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## South Florida Water Management District

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### GOVERNING BOARD MONTHLY MEETING AGENDA

*This meeting is open to the public*

December 10, 2015

9:00 AM

District Headquarters - B-1 Auditorium  
3301 Gun Club Road  
West Palm Beach, FL 33406

FINAL REVISED 12/09/2015 5:10 PM

1. Call to Order - Dan O'Keefe, Chairman, Governing Board
2. Pledge of Allegiance - Dan O'Keefe, Chairman, Governing Board
3. Employee Recognitions - Presented by Peter Antonacci, Executive Director
  - December Employee of the Month: Melissa Snow, IT Analyst Specialist, Technology Planning Services
  - December Team of the Month: Stormwater Treatment Area 1 West Expansion #1 Design and Permit Acquisition Team
  - 25 Year Service Award: Mark Elsner, Section Administrator, Water Supply
4. Agenda Revisions - Marcia Kivett, Director, Office of Governing Board & Executive Services
5. Abstentions by Board Members from items on the Agenda
6. Project & Lands Committee Report - Clarke Harlow, Chair
7. Approval of the Minutes for the November 9, 2015 Governing Board Budget Workshop & Regular Business Meeting, held in West Palm Beach

### **Consent Agenda**

8. Public Comment on Consent Agenda

9. Move Consent Agenda Items to Discussion Agenda
10. Board Comment on Consent Agenda
11. Waivers for Water Resource Advisory Commission (WRAC) members pursuant to Section 112.313, Florida Statutes
12. Regulatory Consent Items
  - **Consent Orders**
    - Settlement for penalties and staff cost of \$5,100 of an enforcement action against the Osceola County Expressway Authority due to lack of effective measures to maintain turbidity controls associated with construction of Poinciana Parkway Segment 4, which resulted in unauthorized discharge of turbid water from the project site into adjacent off-site wetlands. Osceola County Expressway Authority; Poinciana Parkway Segment 4 (Osceola County).
    - Settlement for penalties and staff cost of \$4,100 of an enforcement action against the Florida Department of Transportation due to lack of effective measures to maintain turbidity controls associated with construction of the SR 710 Widening project in Palm Beach County, which resulted in unauthorized discharge of turbid water from the project site into adjacent off-site wetlands. Florida Department of Transportation; SR 710 Widening from Martin County Line to P and W Entrance (Palm Beach County).
13. Right of Way Regulatory Consent

**Right of Way Occupancy Permit Request and Waiver of District Criteria**  
Staff recommends approval of a request by Project USA, LLC (Application Number 15-1102-2) for issuance of Right of Way Occupancy Permit Number 14529 for the construction of a 12-slip marina project within the west right of way of C-10 located immediately north of Stirling Road, with waivers to allow for the installation of a gate, security lights and palm trees within 40 feet of top of bank, and to allow vessels and mooring piles to encroach more than 25% into the canal. Location: Broward County, Section 33, Township 50 South, Range 42 East.
14. **Resolution No. 2015 - 1201** Approve release of canal, road and mineral reservations, and issuance of a non-use commitment; providing an effective date. (Real Estate staff contact, Kathy Massey, ext. 6835)

**Summary:**  
The District has jurisdiction over certain reserved rights to construct canal and road right of ways, and mineral rights, together with the right of ingress, egress and exploration. Applications requesting releases of these reservations are routinely received from landowners, attorneys, title companies and lending institutions, who consider the reservations to be title defects. Applications are reviewed by appropriate District staff and applicable local governmental agencies to determine that there is no present or future need for the reservations.

**Staff Recommendation:**  
Approval of the following:

- Release of canal reservations for City of Boca Raton, 0.16 acre in Palm Beach County (File No. 18662)
- Release of canal, road and mineral reservations for 13001 Miranda Street, LLC, 0.38 acres in Miami-Dade County (File No. 18661)
- Release of canal and road reservations, and issuance of non-use commitment for American Legion Post 223, Inc., 0.09 acre in Broward County (File No. 18660 and NUC 1682)

15. **Resolution No. 2015 - 1202** Approve the release of right of way interests containing 0.10 acre, more or less, to the Applicants at appraised value; being a portion of the Hillsboro Canal right of way, lying South of Lots 31, 32, 33 and 34, Block 77, THE PALM BEACH FARMS CO. PLAT NO. 10 OF NORTH DEERFIELD, Plat Book 6, page 11, located in Section 36, Township 47 South, Range 42 East, Palm Beach County, subject to satisfaction of certain terms, conditions and requirements. (Real Estate staff contact, Kathy Massey, ext. 6835)

**Summary:**

The Applicants have requested a release of 0.10 acre, more or less, of the Hillsboro Canal right of way lying South of Lots 31, 32, 33 and 34, Block 77, THE PALM BEACH FARMS CO. PLAT NO. 10 OF NORTH DEERFIELD, recorded in Plat Book 6, page 11, located in Section 36, Township 47 South, Range 42 East, Palm Beach County, for residential purposes. The landowner has constructed an outdoor kitchen in the right of way area and this release will resolve that encroachment. See location map attached as Exhibit "A".

The release will be subject to the District's satisfaction of the Applicants' completion of the terms, conditions and requirements (item 1-6 of the Resolution), and at the Applicants' sole cost and expense.

16. **Resolution No. 2015 - 1203** Approve the release of a portion of the C-4 (Tamiami) Canal Right of Way containing 0.54 acre, more or less, located in Sections 5 and 6, Township 54 South, Range 40 East, Miami-Dade County, in exchange for a temporary use right and a permanent access easements (Real Estate staff contact, Kathy Massey, ext. 6835)

**Summary:**

The Florida Department of Transportation (FDOT) is implementing its State Road 985 (S.W. 107<sup>th</sup> Avenue) widening project, which includes widening, drainage improvements and a new bridge crossing the District's C-4 (Tamiami) canal. FDOT is requesting release of a portion of the C-4 right of way within two lots owned by FDOT, containing 0.54 acre, more or less, located in Sections 5 and 6, Township 54 South, Range 40 East, Miami-Dade County. District staff has reviewed FDOT's request and has determined that partial release of the right of way will have no impact on present or future use by the District.

In exchange, FDOT will consent to the District's use of an FDOT owned lot adjacent to the C-4 right of way for staging and access during construction of the District's C-4 Flood Berm project. FDOT will also grant the District an access easement over said adjacent lot for perpetual access to the C-4 right of way (see attached Exhibit "A").

17. **Resolution No. 2015 - 1204** Approve the release of Easement interests containing 0.35 acre, more or less, located in Sections 8 and 16, Township 43 South, Range 32 East, Hendry County, to the Florida Department of Transportation at no cost. (Real Estate staff contact, Marcy Zehnder, ext. 6694)

**Summary:**

The Florida Department of Transportation (FDOT) is implementing its State Road 80 Project, which includes widening and drainage improvements. FDOT has determined that it is necessary to obtain a release of the District's interest in an Easement Deed and Agreement for levee and flood control purposes (the "Easement"), containing 0.35 acre, more or less, located in Sections 8 and 16, Township 43 South, Range 32 East, Hendry County. District staff has reviewed FDOT's request and determined that releasing the Easement parcel will have no impact on present or future use by the District. See location map attached as Exhibit "A".

18. **Resolution No. 2015 - 1205** Approve the subordination of Easement interests containing 0.14 acre, more or less, located in Section 31, Township 42 South, Range 32 East, Glades County and Sections 7, 8 and 16, Township 43 South, Range 32 East, Hendry County, to the Florida Department of Transportation. (Real Estate staff contact, Marcy Zehnder, ext. 6694)

**Summary:**

The Florida Department of Transportation (FDOT) is implementing its State Road 80 Project, which includes widening and drainage improvements. FDOT has determined that it is necessary to obtain a subordination of the District's interest in an Easement Deed and Agreement for levee and flood control purposes (the "Easement"), containing 0.14 acre, more or less, located in Section 31, Township 42 South, Range 32 East, Glades County, and Sections 7, 8 and 16, Township 43 South, Range 32 East, Hendry County. District staff has reviewed FDOT's request and determined that subordinating the District's interest in the Easement parcels will have no impact on present or future use by the District.

19. **Resolution No. 2015 - 1206** Approve the issuance of a Quitclaim Deed to clear any interest the District may have in Lots 8 and 9, J. C. AND J. S. ENGLISH SUBDIVISION, PB 1-21, located in Section 21, Township 43 South, Range 27 East, Lee County (Real Estate staff contact, Kathy Massy, ext. 6835)

**Summary:**

The District received a Quitclaim Deed from Lee County in May 1962, which conveyed lands needed for the expansion of the C-43 (Caloosahatchee) canal. Said deed contained an erroneous legal description that clouded the title to lots located within the plat of J.C. AND J. S. ENGLISH SUBDIVISION, recorded in Plat Book 1, page 21, Lee County public records. The current owners of two lots within said subdivision, Rusty Luce and Kelly Luce, have requested a Quitclaim Deed from the District to clear the title cloud from their property. District staff researched this title issue and concur that the conveyance from Lee County did cloud the title to the adjacent subdivision lots. The Quitclaim Deed to be issued by the District will not include any portion of the C-43 canal right of way. See location map attached as Exhibit "A".

20. **Resolution No. 2015 - 1207** Approve an Agreement with the City of Weston and Indian Trace Development District for the donation of land interests in Broward County for the Broward County Water Preserve Areas Project (Real Estate staff contact, Richard Bassell, ext. 2510)

**Summary:**

Re: Approve Agreement with the City of Weston for Donation of 309.51 Acres of Land Interests in the Broward County Water Preserve Areas Project

The Broward County Water Preserve Areas Project ("Project") includes certain land interests owned by the City of Weston and Indian Trace Development District (collectively the "City") within the C-11 Impoundment Area of the Project (see Exhibit "A"). The District, as local sponsor, is responsible for acquiring all the land within the boundaries of the Project and certifying the lands to the U. S. Army Corps of Engineers (the "Corps") for Project purposes. The District and the City have entered into an Agreement whereby the City has agreed to donate all of its fee simple and easement interests, totaling 309.51+/- acres, located within the Project boundary (the "Property") to the District. The City has also agreed to formally vacate two (2) public road right of ways located within the Property. The District will provide alternative access to the abutting landowners currently using said roads for access and relocation of utilities located within the property, to the extent required by law.

21. **Resolution No. 2015 - 1208** Approve the purchase of land interests containing 5.0 acres, more or less, in Miami-Dade County, Pennsuco Project, in the amount of \$40,000, plus associated costs, restoration costs and long term land management costs in the cumulative amount of \$10,133.85, for which dedicated funds (Lake Belt Mitigation Fund) have been budgeted; approve declaring surplus, disposal of, and removal from the asset records any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition. (Real Estate staff contact, Marcy Zehnder, ext. 6694)

**Summary:**

Tract No. W9307-022, owned by David Feldman, personal representative of the Estate of Jerome Feldman, deceased, and Judith Halprin, comprises a total of 5.0 acres located within the District's Pennsuco Wetlands Project. The purchase price for Tract No. W9307-022 is \$40,000, together with associated costs, restoration costs and land management costs in the cumulative amount of \$10,133.85. The Pennsuco wetlands are approximately 13,000 acres of wetland prairie located adjacent to the east perimeter of Water Conservation Area (WCA) 3B in northwestern Miami-Dade County. The Pennsuco area is bordered to the west and north by Krome Avenue, to the south by Tamiami Trail and the east by the Dade-Broward Levee.

22. **Resolution No. 2015 - 1209** Designate approximately 2,700 acres in Martin and Okeechobee Counties, commonly referred to as the Lakeside Ranch Stormwater Treatment Area, as a "Stormwater Treatment Area", as defined in Public Use Rule 40E-7.521(27), Florida Administrative Code, for the purpose of managing public recreation. (Field Operations & Land Management staff contact, Karen Estock, ext. 6282)

**Summary:**

The District manages and operates 2,700 acres of created wetlands in Martin and Okeechobee Counties as the Lakeside Ranch Stormwater Treatment Area. The property is currently classified as "Vacant Undesignated Lands". The formal designation of this property as a "Stormwater Treatment Area", in accordance with Public Use Rule 40E-7.521(27), Florida Administrative Code, will provide a regulatory framework for managing and enhancing recreational use on the property consistent

with the need to provide resource protection measures necessary for the successful operation of the property as a stormwater treatment area.

The "Stormwater Treatment Area" designation will allow the District to utilize public use rules on Lakeside Ranch that were adopted specifically for managing public recreation on stormwater treatment areas as described in Public Use Rule 40E-7, Florida Administrative Code. These rules include establishing public access points and allowing for the management and enhancement of recreation while still providing necessary resource protection measures.

23. **Resolution No. 2015 - 1210** Authorize Contract 4600003338 with the Florida Department of Corrections to provide inmate labor and support to the West Palm Beach Field Station, as well as general services at the Field Operation Center and Headquarters for three (3) years with an option for one three year renewal, in an amount not to exceed \$352,176.00 of which \$64,691.00 is budgeted in FY16, and the remainder is subject to Governing Board approval of the FY17 - FY21 budgets. (Field Operations & Land Management staff contact, Karen Estock, ext. 6282)

**Summary**

This request is to authorize entering into a three (3) year contract with an option for one three year renewal with the Florida Department of Corrections (FDOC) to provide inmate labor and support to West Palm Beach Field Station and the General Services Section area of responsibility, in an amount not to exceed \$352,176. The FDOC shall provide a Correctional Work Squad Officer to supervise an inmate work squad to perform routine maintenance such as mowing, cleaning, painting, etc. at various District facilities. The Contract provides for one (1) Work Squad with up to five (5) inmates.

24. **Resolution No. 2015 - 1211** Authorize Contract 4600003337 with the Florida Department of Corrections to provide inmate labor and support to the Homestead Field Station area of responsibility for three (3) years with an option for a one additional three year renewal, in an amount not to exceed \$352,607.00 of which \$65,122.00 is budgeted in FY16, and the remainder is subject to Governing Board approval of the FY17 – FY21 budgets. (Field Operations & Land Management staff contact, Karen Estock, ext. 6282)

**Summary**

This request is to authorize entering into a three (3) year contract with an option for one additional three year renewal period with the Florida Department of Corrections (FDOC) to provide inmate labor and support to Homestead Field Station area of responsibility, in an amount not to exceed \$352,607. The FDOC shall provide a Correctional Work Squad Officer to supervise an inmate work squad to perform routine maintenance such as mowing, cleaning, painting, etc. at various District facilities. The Contract provides for one (1) Work Squad with up to five (5) inmates.

25. **Resolution No. 2015 - 1212** Authorize the Executive Director or his designee to send a letter to the Gladeview Water Control District expressing the intent to pay Gladeview's yearly costs associated with managing water from the STA1W Expansion #1 project, subject to the limitations of applicable Florida law and subject to the availability of future fiscal year funding, including Governing Board approval of future fiscal years budgets. (Contract number 4600003356) (Operations, Engineering & Construction staff contact, Jeff Kivett, ext. 2680)

### **Summary**

The footprint of the approximately 4,600-acre STA 1W Expansion #1 is located within the Gladeview Water Control District, which manages the water for approximately 11,137 acres of land. Their system is composed of lateral canals that discharge into a central canal (Gladeview Canal), which flows north into the L-13 Canal by operation of the Gladeview District Pump Station. Modeling during the design effort for STA 1W Expansion #1 revealed the pre-construction average pump flow volume attributed to the site is 12,430 ac-ft/yr. from stormwater runoff. Upon completion, the STA 1W Expansion #1 would capture this stormwater runoff onsite, but by maintaining a high water level within the STA, the Gladeview Canal would receive a comparable amount of seepage water. Based on this modeling, the Gladeview Water Control District is expected to continue servicing the STA 1W Expansion #1 land with a similar level of cost, both pre- and post-construction. Construction of a separate seepage canal within the project footprint along the west perimeter was considered but is not being pursued based on the following factors: 1) Construction of the canal and an additional seepage pump station would cost an estimated \$20 million; 2) Construction of the seepage canal would remove effective treatment areas that would otherwise be used to help meet the Restoration Strategies WQBEL; and 3) The existing Gladeview Canal already has the required features to effectively serve as a seepage canal for the STA 1W Expansion #1 project.

26. Board Vote on Consent Agenda

27. Board Comment

### **Discussion Agenda**

28. Technical Reports

A) Water Conditions Report - Jeff Kivett, Division Director, Operations, Engineering & Construction (ext. 2680)

B) Ecological Conditions Report - Terrie Bates, Division Director, Water Resources (ext. 6952)

C) Project Spotlight - L-40 Levee Certification to FEMA - Jeff Kivett, Division Director, Operations, Engineering & Construction (ext. 2680)

29. 2016 Upper East Coast Water Supply Plan Update Status, (Water Resources staff contact, Mark Elsner, ext. 6156)

### **Summary**

This presentation will provide an overview of the Draft 2016 Upper East Coast (UEC) Water Supply Plan Update. Regional water supply plans are required to be updated at least every five years pursuant Chapter 373, Florida Statutes (F.S.). The purpose of the water supply plan is to identify sustainable water supply for all water uses while protecting water resources and related natural systems. The current water supply plan for the UEC Planning Region, which includes all of St. Lucie and Martin counties and the NE portion of Okeechobee County, was approved in March 2011. The development of the 5-year update is nearing completion. The Draft 2016 UEC Water Supply Plan Update was

released for public review in late November, and is currently scheduled for Governing Board consideration of the final plan in March 2016.

30. **Project and Preliminary Budget Presentation Fiscal Years 2015-2016 & 2016-2017 – Doug Bergstrom, Division Director, Administrative Services (ext. 6214)**

Staff has undertaken a careful review of the FY2015/16 adopted reserve spend down plan. After considerable review and discussion, staff recommends the amendments in the table on page 2 of this memo for reserves without restrictions that would free up \$27.1 million for future discussion and allocation.

With a focus on using reserves for projects, in the November budget workshop staff recommended the following considerations for utilizing reserves:

- Maintain hurricane/emergency reserves to ensure emergency response resources
- Allocate reserves to current ready to go project needs, including operating costs, over the next several years:
  - Restoration Strategies consent order driven projects
  - Currently ongoing restoration projects such as C44, C43, Lakeside, Picayune
  - Current Federal cost share projects-Kissimmee and C-111 South Dade projects

Additionally, staff is working with DEP on modifications to cost eligibility criteria for use of state funds that could result in additional savings of several million dollars.

We propose to agenda an item at a future Governing Board meeting to discuss Board priorities for allocation of these funds.

31. **Resolution No. 2015 - 1213** Authorize a final purchase offer of \$2,761,000 and eminent domain proceedings for the acquisition of certain land interests, consisting of 690.25 acres, more or less, in Osceola County, Florida, which are part of the Kissimmee River Restoration and Headwaters Revitalization Project for which dedicated (Land Acquisition Trust Fund) funds are budgeted. (Real Estate staff contact, Ray Palmer, ext. 2246)

**Summary:**

Tract No. 18200-010, owned by Bronsons, LLP, a Florida limited liability partnership, comprises a total of 690.25 acres located within the District's Kissimmee River Restoration and Headwaters Revitalization Project. The appraised value of the Tract is \$2,761,000. District staff is requesting authority to make a written offer at the appraised value of \$2,761,000. If the landowner fails to accept, approval of the Governing Board item will also grant authority to file an eminent domain action.



32. **Resolution No. 2015 - 1214** Authorize the official ranking of short-listed firms and entering into a Contract with Emerson Process Management Power & Water Solutions, Inc., subject to successful negotiations, for the purchase, implementation, and maintenance of Supervisory Control and Data Acquisition (SCADA) Software, in an amount not to exceed \$5 million, for which \$1.5 million in funds are budgeted in FY16 and the remainder subject to Governing Board approval of the FY17 - FY25 budgets; providing that, if negotiations are unsuccessful with Emerson Process Management Power & Water Solutions, Inc., the District will proceed with negotiations in ranked order until a Contract has been successfully negotiated. (Operations, Engineering & Construction staff contact, Jeff Kivett, ext. 2680)

**Summary**

The District's core Supervisory Control and Data Acquisition (SCADA) System software, Telvent OASyS DNA 7.4, is no longer supported and must be replaced. Replacement will include new software, modernized control strategies, operator interfaces, and functionality to support the growing demands and requirements of the agency. The selection of the new SCADA System software was based on a two-step process. The first step was a Request for Qualifications (RFQ) for the next generation SCADA System Software that shortlisted respondents. The second step was a Request for Proposals based on the SCADA System Software presented in the shortlisted respondents responses to the RFQ combined with commercial off-the-shelf (COTS) technologies and industry best practices to meet the requirements and performance targets defined by the District. There were two qualified respondents to the RFP: Emerson Process Management Power & Water Solutions (Ranked #1), Inc. and Schneider Electric, USA (Ranked #2).

33. Report on Sea Level Rise with Respect to District Operations - Jeff Kivett, P.E., Director, Operations, Engineering and Construction Division
34. **Resolution No. 2015 - 1215** Authorize entering into a 340-day contract with JMS Construction Services, the lowest responsive and responsible bidder for the C-139 Annex Restoration Phase 1A Site Preparation Project, in the amount of \$1,463,000, for which \$1,463,000 in dedicated funds (Lake Belt Mitigation) are budgeted in FY16; providing an effective date. (Contract number 4600003351) (OEC, Jeff Kivett, ext. 2680)

**Summary**

The overall goal of the C-139 Annex Restoration Project is to meet the restoration needs for the property while addressing regional restoration/water management goals of the Everglades watershed, and providing mitigation to offset wetland impacts associated with Lake Belt mining activities in Miami-Dade County. The restoration of the C-139 Annex property will be achieved in several phases. The Phase 1A Site Preparation activities is the first phase of the C-139 Annex Restoration. The C-139 Annex restoration project is located in Hendry County and encompasses the southern 14,437 acres of the site. The Phase 1A portion of the project is approximately 2,875 acres, located at the southeastern end of the property. The project will consist of the following: leveling and cross disking of the planting/tree beds, swales and ditches; construction of test area to evaluate leveling methods; removal and replacement of an existing 60" corrugated metal pipe (CMP) culvert and riser; removal and disposal of approximately 246 of the 18-inch diameter corrugated aluminum pipe (CAP) culverts and 247 of the 8-inch diameter Advanced Drainage System (ADS) culverts; and abandonment of 15 irrigation wells, as well as the demolition and removal of

associated concrete pads, including the removal of associated piping.

- 35. Indian River Lagoon as a Bioreactor: New Perspectives on Sewage Pollution, Dr. Brian LaPointe, Research Professor, Florida Atlantic University – Harbor Branch Oceanographic Institute - **ITEM DELETED**
- 36. General Public Comment

### **Staff Reports**

- 37. Monthly Financial Report - Doug Bergstrom
- 38. General Counsel's Report - Kirk Burns
- 39. Executive Director's Report - Peter Antonacci - **ITEM REVISED**

### **Resolution No. 2015-1216**

- 40. Board Comment
- 41. Adjourn

*Members of the public wishing to address the Governing Board on agenda items which require a vote are to complete a Public Comment Card and submit the card to the front desk attendant. You will be called by the Board Chair or designee to speak. If you want to request that an item be removed from the Consent Agenda and be discussed by the Governing Board, please advise the Governing Board during public comment on the consent agenda. Governing Board policy limit comments from the public to 3 minutes unless otherwise determined by the Governing Board Chair. Your comments will be considered by the Governing Board prior to adoption of the Consent Agenda. Unless otherwise determined by the Chair, Board action on Consent Agenda items moved to the discussion agenda will occur at or after 9:00 a.m. on Thursday*

CONSENT AGENDA TABLE OF CONTENTS  
REGULATORY ITEMS FOR GOVERNING BOARD ACTION  
December 10, 2015

I CONSENT ORDERS

PAGE  
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Attachment: ca\_reg\_rm\_100\_sd(III) (2733 : Regulatory Consent Agenda)

## REGULATION AGENDA ITEMS

**PERMIT DENIAL:** Those listed on the consent agenda are routine in nature and non-controversial. Such denials are typically due to failure of applicant to complete the application. Unique or controversial projects or those requiring a policy decision are normally listed as discussion items. Permit types include:

**Environmental Resource (ERP):** Permits that consider such factors as the storage of storm water to prevent flooding of a project (upstream or downstream projects); the treatment of stormwater prior to discharge from the site to remove pollutants; and the protection of wetlands on the project site.

**Surface Water Management:** Permits for drainage systems, which address flood protection, water quality, and environmental protection of wetlands.

**Water Use:** Permits for the use of ground and/or surface water from wells, canals, or lakes.

**Lake Okeechobee Works of the District:** Permits that set concentration limits for total phosphorus in surface discharge from individual parcels in the Lake Okeechobee Basin.

**EAA Works of the District:** Permits to reduce the total phosphorus load from the EAA by 25 percent in water discharged to Works of the District.

**Wetland Resource:** Permits for dredge and fill activities within Waters of the State and their associated wetlands.

**ADMINISTRATIVE HEARING:** A case in litigation conducted pursuant to the Administrative Procedures Act (Chapter 120, Florida Statutes) involving the determination of a suit upon its merits. Administrative hearings provide for a timely and cost effective dispute resolution forum for interested persons objecting to agency action.

**FINAL ORDER:** The Administrative Procedures Act requires the District to timely render a final order for an administrative hearing after the hearing officer submits a recommended order. The final order must be in writing and include findings of fact and conclusions of law.

**CONSENT ORDER:** A voluntary contractual agreement between the District and a party in dispute which legally binds the parties to the terms and conditions contained in the agreement. Normally used as a vehicle to outline the terms and conditions regarding settlement of an enforcement action.

**CONSERVATION EASEMENT:** A perpetual interest to the District in real property that retains land or water areas in their existing, natural, vegetative, hydrologic, scenic, open or wooded condition and retains such areas as suitable habitat for fish, plants, or wildlife in accordance with Section 704.06, F.S.

**TECHNICAL DENIAL:** This action normally takes place when a proposed project design does not meet water management criteria or the applicant does not supply information necessary to complete the technical review of an application.

**EMERGENCY ORDER and AUTHORIZATION:** An immediate final order issued without notice by the Executive Director, with the concurrence and advice of the Governing Board, pursuant to (Section 373.119(2), Florida Statutes, when a situation arises that requires timely action to protect the public health, safety or welfare and other resources enumerated by rule and statute.

**MEMORANDUM OF AGREEMENT/UNDERSTANDING:** A contractual arrangement between the District and a named party or parties. This instrument typically is used to define or explain parameters of a long-term relationship and may establish certain procedures or joint operating decisions.

**PETITION:** An objection in writing to the District, requesting either a formal or an informal administrative hearing, regarding an agency action or a proposed agency action. Usually a petition filed pursuant to Chapter 120, Florida Statutes, challenges agency action, a permit, or a rule. Virtually all agency action is subject to petition by substantially affected persons.

**SEMINOLE TRIBE WORK PLAN:** The District and the Seminole Indians signed a Water Use Compact in 1987. Under the compact, annual work plans are submitted to the District for review and approval. This plan keeps the District informed about the tribe plans for use of their land and the natural resources. Although this is not a permit, the staff has water resource related input to this plan.

**SITE CERTIFICATIONS:** Certain types of projects (power plants, transmission lines, etc.) are permitted by the Governor and Cabinet under special one-stop permitting processes that supercede normal District permits. The Water Management Districts, DEP, DCA, FGFWFC, and other public agencies are mandatory participants. DEP usually coordinates these processes for the Governor and Cabinet.

**VARIANCES FROM, OR WAIVERS OF, PERMIT CRITERIA:** The Florida Administrative Procedures Act provides that persons subject to an agency rule may petition the agency for a variance from, or waiver of, a permitting rule. The Governing Board may grant a petition for variance or waiver when the petitioner demonstrates that 1) the purpose of the underlying statute will be or has been achieved by other means and, 2) when application of the rule would create a substantial hardship or would violate principles of fairness.

1. RESPONDENT: OSCEOLA COUNTY EXPRESSWAY AUTHORITY  
PROJECT: POINCIANA PARKWAY SEGMENT 4

SEC 25,28 TWP 26S RGE 28E OSCEOLA COUNTY  
SETTLEMENT FOR PENALTIES AND STAFF COST OF \$5,100 OF AN ENFORCEMENT ACTION  
AGAINST THE OSCEOLA COUNTY EXPRESSWAY AUTHORITY DUE TO LACK OF EFFECTIVE  
MEASURES TO MAINTAIN TURBIDITY CONTROLS ASSOCIATED WITH CONSTRUCTION OF  
POINCIANA PARKWAY SEGMENT 4, WHICH RESULTED IN UNAUTHORIZED DISCHARGE OF TURBID  
WATER FROM THE PROJECT SITE INTO ADJACENT OFF-SITE WETLANDS.

2. RESPONDENT: FLORIDA DEPARTMENT OF TRANSPORTATION  
PROJECT: SR 710 WIDENING FROM MARTIN COUNTY LINE TO P AND W ENTRANCE

SEC 3-5,10-11,13-14,30 TWP 40,41S RGE 40E PALM BEACH COUNTY  
SETTLEMENT FOR PENALTIES AND STAFF COST OF \$4,100 OF AN ENFORCEMENT ACTION  
AGAINST THE FLORIDA DEPARTMENT OF TRANSPORTATION DUE TO LACK OF EFFECTIVE  
MEASURES TO MAINTAIN TURBIDITY CONTROLS ASSOCIATED WITH CONSTRUCTION OF THE SR  
710 WIDENING PROJECT IN PALM BEACH COUNTY, WHICH RESULTED IN UNAUTHORIZED  
DISCHARGE OF TURBID WATER FROM THE PROJECT SITE INTO ADJACENT OFF-SITE WETLANDS.

**M E M O R A N D U M**

**TO:** Governing Board Members  
**FROM:** Karen Estock, Division Director  
**DATE:** December 10, 2015  
**SUBJECT:** Right of Way Regulatory Consent

**Right of Way Occupancy Permit Request and Waiver of District Criteria**

Staff recommends approval of a request by Project USA, LLC (Application Number 15-1102-2) for issuance of Right of Way Occupancy Permit Number 14529 for the construction of a 12-slip marina project within the west right of way of C-10 located immediately north of Stirling Road, with waivers to allow for the installation of a gate, security lights and palm trees within 40 feet of top of bank, and to allow vessels and mooring piles to encroach more than 25% into the canal. Location: Broward County, Section 33, Township 50 South, Range 42 East.

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December 10, 2015

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I	<b>RIGHT OF WAY OCCUPANCY PERMIT REQUESTS WITH WAIVER OF DISTRICT CRITERIA:</b>	
	Governing Board action is required on petitions received requesting a waiver of District criteria. Section 120.542, F.S. and Rule 28-104.002, F.A.C., requires agencies to grant variances and waivers to their own rules when a person subject to the rules files a petition and demonstrates that he or she can achieve, or has achieved, the purpose of the underlying statute by other means and when application of rule would create a substantial hardship or would violate principles of fairness. A "substantial hardship" is defined as a demonstrated economic, technological, legal or other type of hardship to the person requesting the waiver. "Principles of fairness" are violated when the literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule. A "waiver" is defined as an agency decision not to apply all or part of a rule to the person subject to the rule.	2-3

Attachment: 2015 Dec GB Agenda (2743 : Right of Way Regulatory Consent)



**RIGHT OF WAY OCCUPANCY PERMIT REQUESTS WITH  
WAIVER OF DISTRICT CRITERIA**

Consideration of a request by Project USA, LLC (Application Number 15-1102-2) for issuance of Right of Way Occupancy Permit No. 14529 for: a proposed commercial marina consisting of seawall construction; dredging; a boat ramp; a boat launch basin; a marginal dock with finger piers for 12 boat slips; mooring piles; a jet ski launch; rip-rap bank stabilization; buried water, electrical service and sewer lines; a paved area; light poles and landscaping within the C-10 canal and its associated overbank; and waivers of District criteria which limit the projection of docking facilities and vessels into District canals, and prohibit the placement of permanent/semi-permanent above-ground facilities within 40 feet of top of bank. Location: the west right of way of C-10 beginning immediately north of Stirling Road and continuing north approximately 618 feet in Broward County, Section 33, Township 50 South, Range 42 East.

The applicant requests two (2) waivers of District criteria. The first waiver seeks approval for the proposed docking facilities to extend beyond the maximum encroachment allowed for docking facilities and vessels moored thereto. The District's rule allows encroachment for docks up to 25 percent of the total width of the canal. In this case, the applicant seeks to encroach up to 30 percent of the width of the C-10 canal, which measures 123.4 feet in this segment, resulting in an encroachment for an additional 6.15 feet. The requested waiver is consistent with the Governing Board's approval of the conveyance of District fee-owned submerged lands to the applicant to accommodate the construction of the proposed marina as planned, pursuant to Resolution No. 2015-0604. Neither the marina, nor the vessels moored at the facility, will encroach beyond the limits of the land area to be conveyed. As such, the applicant asserts that strict application of the rule would create a substantial hardship because literal imposition of the rule would preclude the use of the property for a commercial marine operation as contemplated by both the applicant and the District. Further, the project will not significantly impede navigation because the navigable portion of the canal in this area is toward the center of the canal and outside the area of the proposed encroachment due to the adjacent Stirling Road Bridge. In addition, since larger vessels cannot pass beneath the bridge due to its low height (which provides 8.5 feet of vertical clearance above mean high water), navigation in this stretch of the C-10 canal is minimal. The encroachment will not adversely impact the navigation or operation of District tow boats that operate in the canal.

The second waiver requested by the applicant seeks to allow the placement of permanent/semi-permanent above-ground facilities within 40 feet of top of bank. Specifically, the applicant seeks to place a gate, landscaping consisting of 9 native palms, and 4 light poles approximately 5 to 10 feet from top of bank. The applicant's request is based on substantial hardship because the widening and improvement of Stirling Road and Bryan Road required the taking of a portion of the applicant's property, thus reducing the usable area of the site and necessitating the need to use the District's 40-foot wide clear zone for development purposes. The proposed facilities will not significantly interfere with the District's ability to operate and maintain of the canal. In fact, the applicant's proposed improvements will actually benefit District operations and maintenance since the applicant will be dredging the canal adjacent to the property, installing 618 linear feet of seawall with rip-rap to stabilize the bank and granting of a permanent access easement for District

use of the applicant's proposed boat ramp. The easement will provide access to the C-10 canal that the District presently does not enjoy in this canal segment. The plan also includes the elimination of invasive exotic vegetation and planting of wind tolerant native species. As such, the proposed facilities will not significantly impede navigation or interfere with the District's ability to perform necessary construction, alteration, operation and routine maintenance activities, so the purpose of the underlying statute will be achieved.

The petition has been reviewed by the Office of Counsel for compliance with applicable legal requirements. Pursuant to Section 120.542(6), F.S., notice of the petition was provided to the Department of State and was published in Volume 41, Number 229 of the Florida Administrative Register on November 25, 2015. No public comments were received.

Therefore, staff recommends approval of the issuance of Right of Way Occupancy Permit No. 14529 and approval of the petition for waivers of District criteria which limit the maximum encroachment of docking facilities and vessels moored thereto to 25 percent of the total width of District canals, and prohibits the placement of permanent/semi-permanent above-ground facilities within 40 feet of top of bank within works and lands of the District. (Easement)

## M E M O R A N D U M

**TO:** Governing Board Members

**FROM:** Ben Ward, Director, Real Estate Division

**DATE:** December 10, 2015

**SUBJECT:** Release of Reservations

### **Summary:**

The District has jurisdiction over certain reserved rights to construct canal and road right of ways, and mineral rights, together with the right of ingress, egress and exploration. Applications requesting releases of these reservations are routinely received from landowners, attorneys, title companies and lending institutions, who consider the reservations to be title defects. Applications are reviewed by appropriate District staff and applicable local governmental agencies to determine that there is no present or future need for the reservations.

### **Staff Recommendation:**

Staff recommends approval of the following:

- Release of canal reservations for City of Boca Raton, 0.16 acre in Palm Beach County (File No. 18662)
- Release of canal, road and mineral reservations for 13001 Miranda Street, LLC, 0.38 acres in Miami-Dade County (File No. 18661)
- Release of canal and road reservations, and issuance of non-use commitment for American Legion Post 223, Inc., 0.09 acre in Broward County (File No. 18660 and NUC 1682)

### **Additional Background:**

See Memorandum Exhibit "A" and maps attached hereto and made a part hereof, which contain the details and locations of the releases to be approved and issued.

### **Core Mission and Strategic Priorities:**

Pursuant to Section 373.096 of the Florida Statutes, the Governing Board of the District may release any reservation for which it has no present or apparent use under terms and conditions determined by the Board.

### **Funding Source:**

None; the reservations were acquired at no cost to the District.

### **Staff Contact and/or Presenter:**

Kathy Massey, kmassey@sfwmd.gov, 561-682-6835

## SOUTH FLORIDA WATER MANAGEMENT DISTRICT

### Resolution No. 2015 - 1201

**A Resolution of the Governing Board of the South Florida Water Management District to approve release of canal, road and mineral reservations, and issuance of a non-use commitment; providing an effective date.**

**WHEREAS**, certain underlying landowners have requested that the South Florida Water Management District (District) release certain canal, road and mineral reservations, and issue a non-use commitment as to mineral reservations;

**WHEREAS**, the District is empowered to grant such releases and non-use commitments pursuant to Section 373.096, Florida Statutes;

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:**

**Section 1.** The Governing Board of the South Florida Water Management District hereby approves the release of canal, road and mineral reservations, and the issuance of a non-use commitment, as described in Resolution Exhibit "A", attached hereto and made a part hereof.

**Section 2.** This Resolution shall take effect immediately upon adoption.

**PASSED and ADOPTED** this 10<sup>th</sup> day of December, 2015.

SOUTH FLORIDA WATER MANAGEMENT  
DISTRICT, BY ITS GOVERNING BOARD  
By:

\_\_\_\_\_  
Chairman

Attest:

Legal form approved:  
By:

\_\_\_\_\_  
District Clerk/Secretary

\_\_\_\_\_  
Office of Counsel

Print name:  
  
\_\_\_\_\_

**RESOLUTION - EXHIBIT "A"**

File No.: 18662  
 Applicant: City of Boca Raton, a Florida municipal corporation  
 Reserving Deeds: T-1778 (DB 306-330, 8/13/1925) and T-5464 (DB 450-202, 10/12/1929)  
 Action: Approve release of canal reservations  
 Acres: 0.16 acre, more or less  
 Legal Description: Portion of Parcel "F", BOCA RATON HUMANE SOCIETY INC. ANIMAL CARE CENTER AND PET CEMETERY, PB 36-36, and a portion of Tract 33, Block 79, THE PALM BEACH FARMS COMPANY PLAT NO. 3, PB 2-45, Section 20, Township 47 South, Range 42 East  
 Location: 21287 Boca Rio Road, Boca Raton, Palm Beach County

File No.: 18661  
 Applicant: 13001 Miranda Street, LLC, a Florida limited liability company  
 Reserving Deed: E-2107 (DB 2462-450, 1/9/1945)  
 Action: Approve release of canal, road and mineral reservations  
 Acres: 0.38 acre, more or less  
 Legal Description: Lot 9, Block 12, CORAL BAY SECTION "D", PB 68-60, Section 18, Township 55 South, Range 41 East  
 Location: 13001 Miranda Street, Coral Gables, Miami-Dade County

File Nos.: 18660 and NUC 1682  
 Applicant: American Legion Post 223, Inc., a Florida not for profit corporation  
 Reserving Deed: E-2228 (DB 470-322, 1/16/1945)  
 Action: Approve release of canal and road reservations, and issuance of non-use commitment  
 Acres: 0.09 acre, more or less  
 Legal Description: Portion of Lot 5, Block 1, EVERGLADES PARK, PB 31-22, Section 26, Township 50 South, Range 41 East  
 Location: 3940 SW 64<sup>th</sup> Avenue, Davie, Broward County

**MEMORANDUM - EXHIBIT "A"**

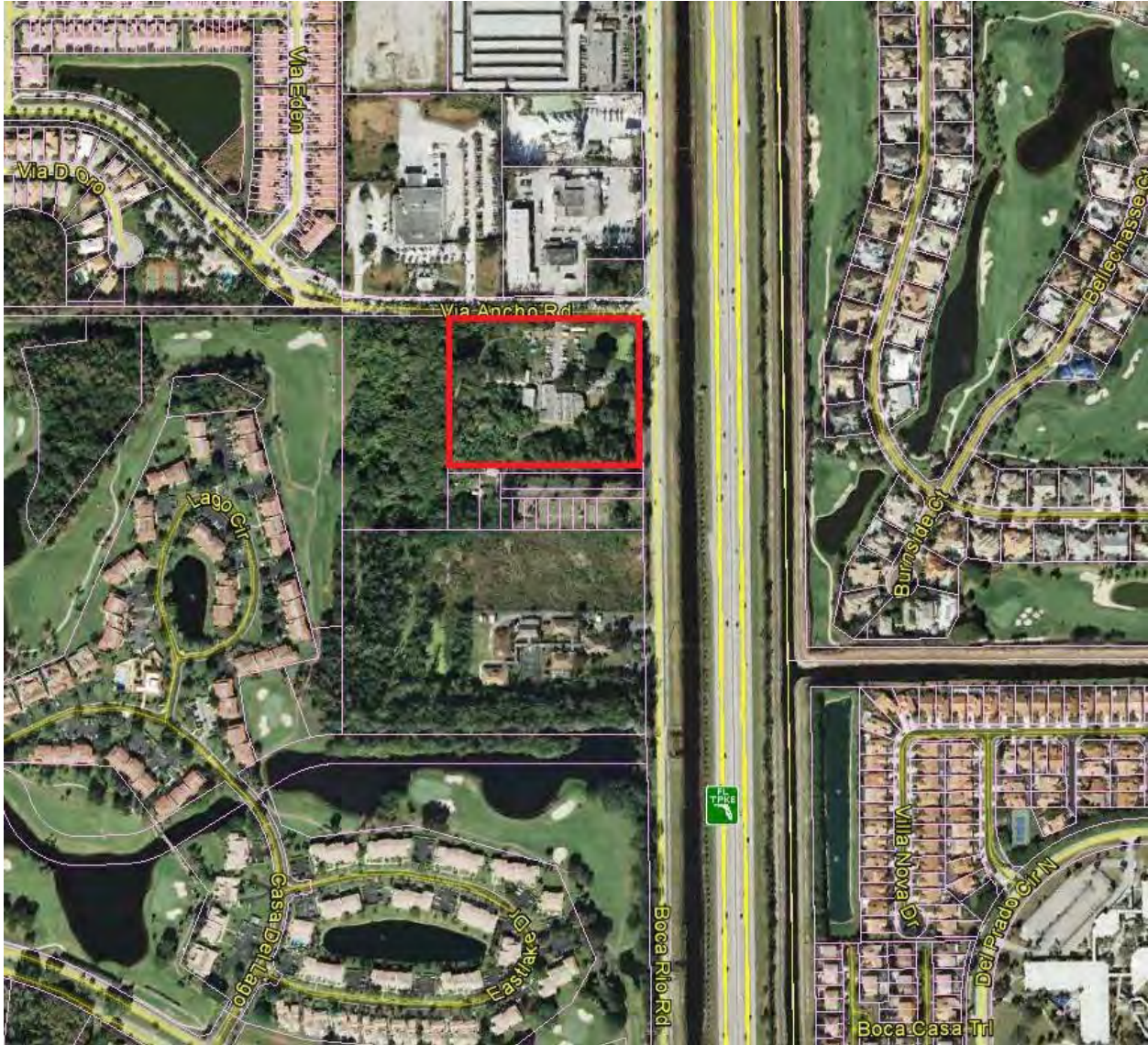
File No.: 18662  
 Applicant: City of Boca Raton, a Florida municipal corporation  
 Reserving Deeds: T-1778 (DB 306-330, 8/13/1925) and T-5464 (DB 450-202, 10/12/1929)  
 Fee Paid: \$250.00  
 Action: Approve release of canal reservations  
 Acres: 0.16 acre, more or less  
 Legal Description: Portion of Parcel "F", BOCA RATON HUMANE SOCIETY INC. ANIMAL CARE CENTER AND PET CEMETERY, PB 36-36, and a portion of Tract 33, Block 79, THE PALM BEACH FARMS COMPANY PLAT NO. 3, PB 2-45, Section 20, Township 47 South, Range 42 East  
 Location: 21287 Boca Rio Road, Boca Raton, Palm Beach County  
 Reviewed By: No routing due to size and land use

File No.: 18661  
 Applicant: 13001 Miranda Street, LLC, a Florida limited liability company  
 Reserving Deed: E-2107 (DB 2462-450, 1/9/1945)  
 Fee Paid: \$250.00  
 Action: Approve release of canal, road and mineral reservations  
 Acres: 0.38 acre, more or less  
 Legal Description: Lot 9, Block 12, CORAL BAY SECTION "D", PB 68-60, Section 18, Township 55 South, Range 41 East  
 Location: 13001 Miranda Street, Coral Gables, Miami-Dade County  
 Reviewed By: No routing due to size and land use

File Nos.: 18660 and NUC 1682  
 Applicant: American Legion Post 223, Inc., a Florida Not for Profit corporation  
 Reserving Deed: E-2228 (DB 470-322, 1/16/1945)  
 Fee Paid: \$250.00  
 Action: Approve release of canal and road reservations, and issuance of non-use commitment  
 Acres: 0.09 acre, more or less  
 Legal Description: Portion of Lot 5, Block 1, EVERGLADES PARK, PB 31-22, Section 26, Township 50 South, Range 41 East  
 Location: 3940 SW 64<sup>th</sup> Avenue, Davie, Broward County  
 Reviewed By: No routing due to size and land use



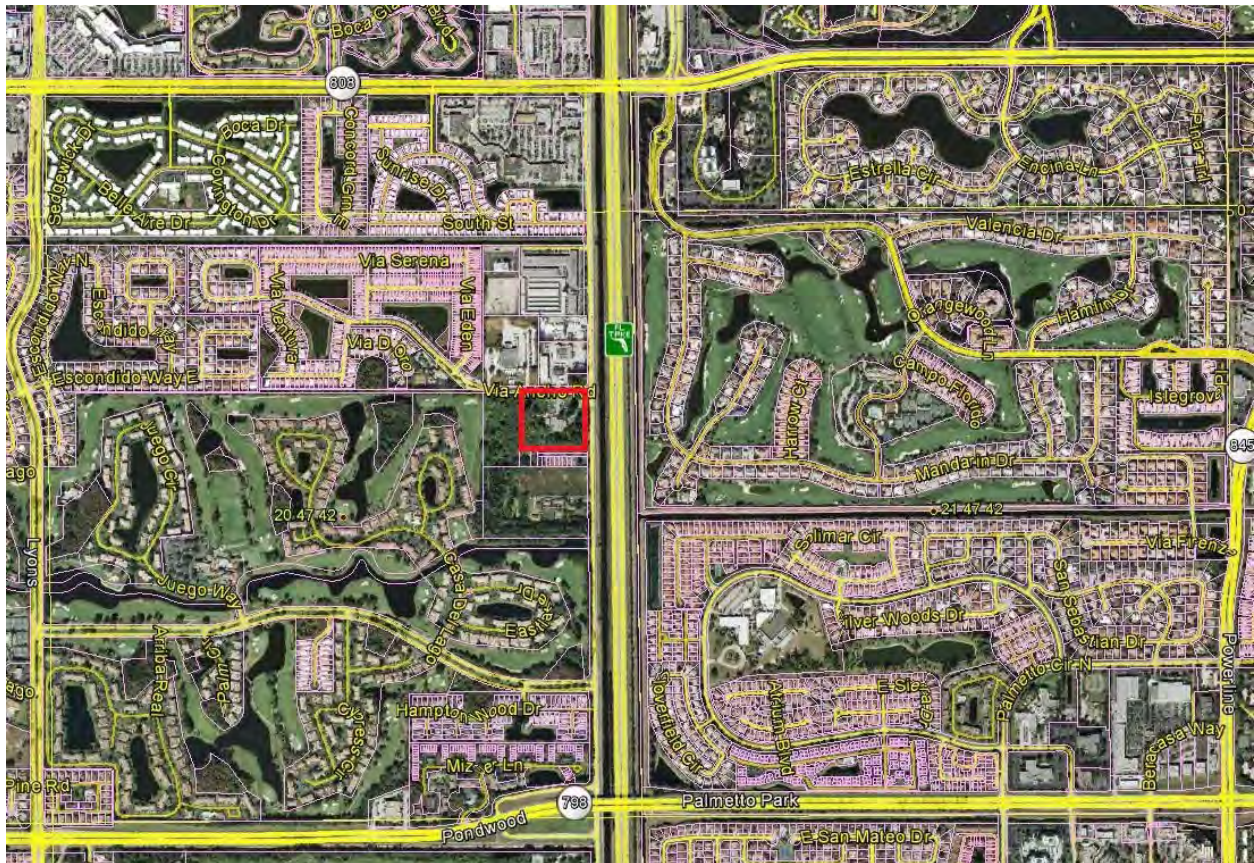
File No. 18662 (0.16+/- acre)  
City of Boca Raton  
21287 Boca Rio Road, Boca Raton, Palm Beach County





File No. 18662 (0.16+/- acre)  
City of Boca Raton  
21287 Boca Rio Road, Boca Raton, Palm Beach County

**Property Location:** On the West side of Florida's Turnpike, ½ +/- mile South of Glades Road



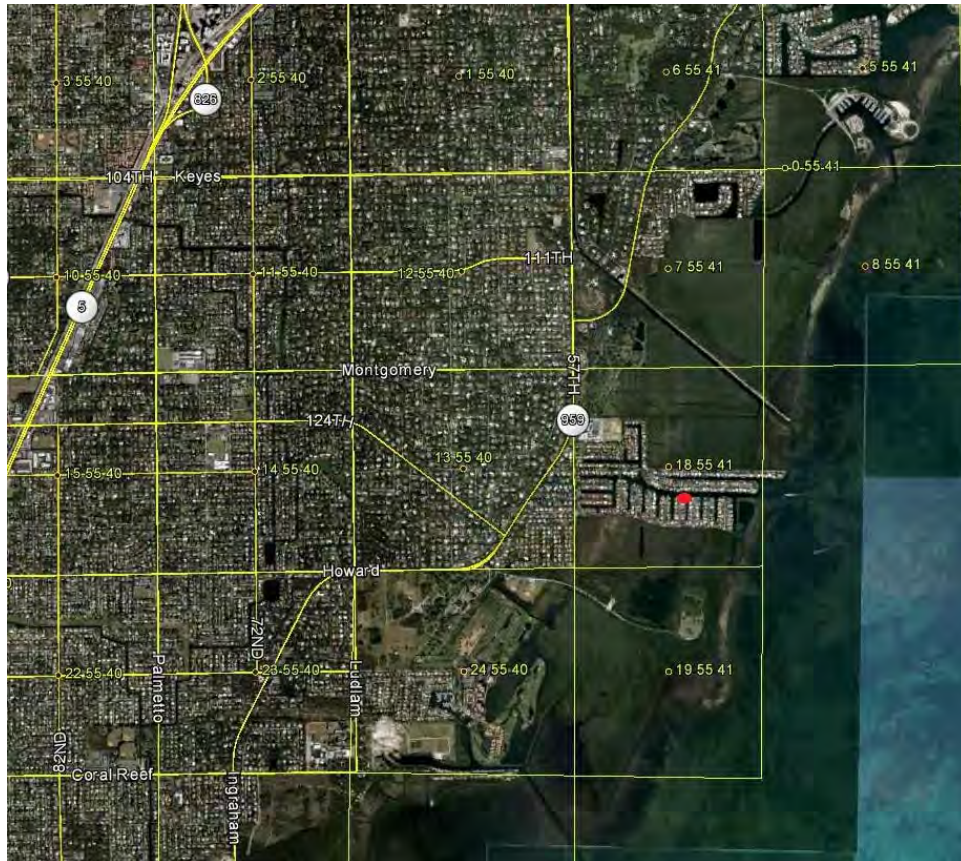


File No. 18661 (0.38+/- acre)  
Miranda Street, LLC  
13001 Miranda Street, Coral Gables, Miami-Dade County



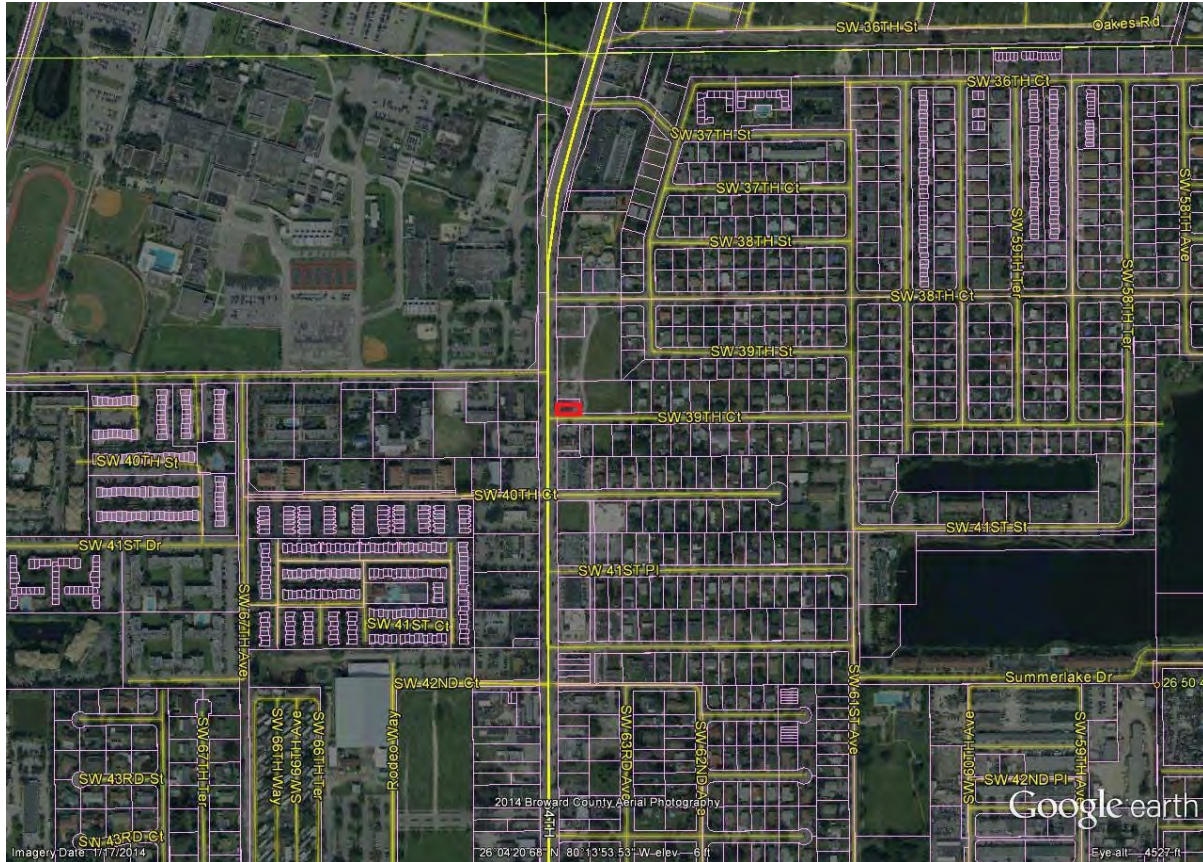
**File No. 18661 (0.38+/- acre)  
Miranda Street, LLC  
13001 Miranda Street, Coral Gables, Miami-Dade County**

**Property Location:** 3.0+/- miles East of Old Dixie Hwy. (US Hwy. 1/State Road 5), 0.5+/- mile East of Old Cutler Road (State Road 959) and 1.5+/- miles North of the extension of Coral Reef Drive





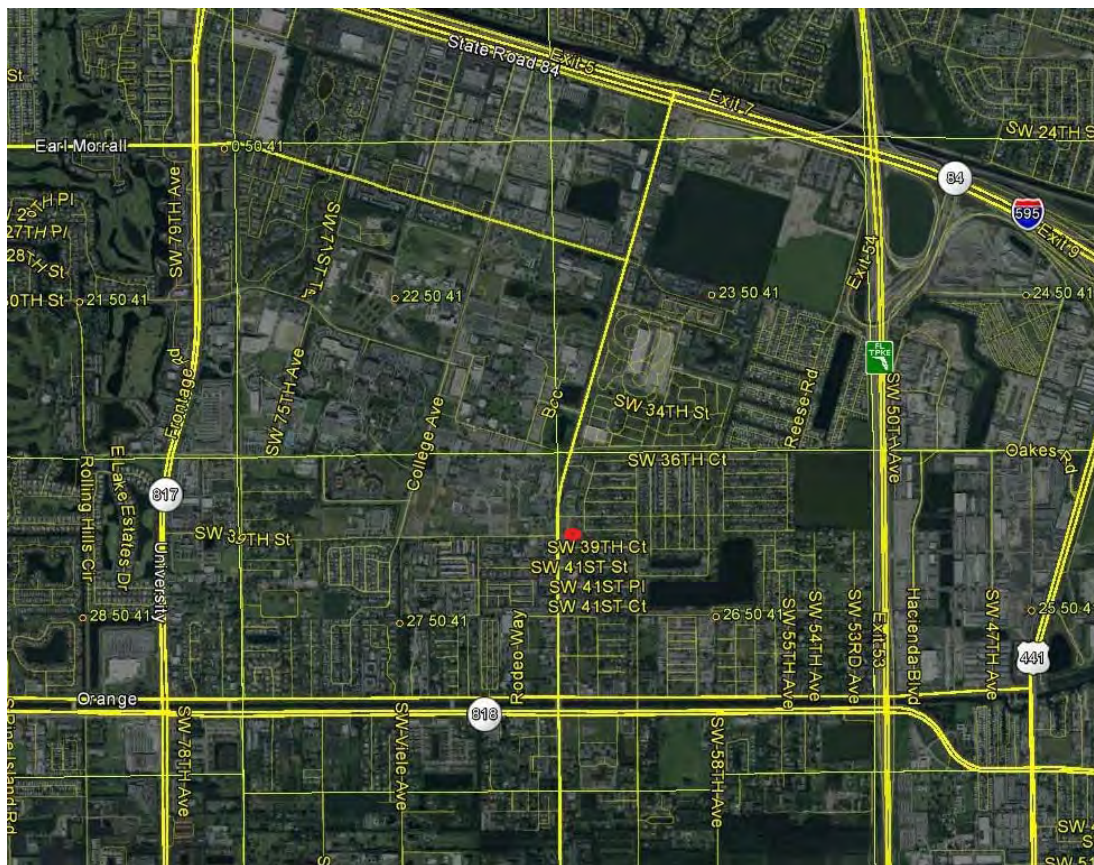
**File No. 18660 (0.09+/- acre)  
American Legion Post 223, Inc.  
3940 SW 64<sup>th</sup> Avenue, Davie, Broward County**



Attachment: 2015\_12\_GB\_Maps Releases (Resolution No. 2015 - 1201 : Release of Reservations)

**File No. 18660 (0.09+/- acre)  
American Legion Post 223, Inc.  
3940 SW 64<sup>th</sup> Avenue, Davie, Broward County**

**Property Location: 1.0 +/- mile West of Florida's Turnpike, 1.5 +/- mile South of Interstate 595 (State Road 84) and 0.50 +/- of a mile North of Orange Avenue**



## M E M O R A N D U M

**TO:** Governing Board Members

**FROM:** Ben Ward, Director, Real Estate Division

**DATE:** December 10, 2015

**SUBJECT:** Release of Right of Way Interest, Hillsboro Canal

**Summary:**

The Applicants have requested a release of 0.10 acre, more or less, of the Hillsboro Canal right of way lying South of Lots 31, 32, 33 and 34, Block 77, THE PALM BEACH FARMS CO. PLAT NO. 10 OF NORTH DEERFIELD, recorded in Plat Book 6, page 11, located in Section 36, Township 47 South, Range 42 East, Palm Beach County, for residential purposes. The landowner has constructed an outdoor kitchen in the right of way area and this release will resolve that encroachment. See location map attached as Exhibit "A".

The release will be subject to the District's satisfaction of the Applicants' completion of the following terms, conditions and requirements, at the Applicants' sole cost and expense:

- a. Applicants must provide a legal description and sketch for release instrument, subject to District review and approval.
- b. Applicants shall comply with all applicable governmental (County and City) subdivision and platting ordinances in connection with the release of the subject District right of way.
- c. All costs associated with this transaction shall be paid for by the Applicants, including but not limited to all recording costs, and under no circumstances shall the District be obligated to pay any amount to the Applicants or otherwise in connection with this transaction.
- d. The Applicants shall pay to the District no less than appraised value for the release of the subject portion of the right of way. The appraiser, appraisal and appraised value must all be acceptable to and approved by the District
- e. The Applicants shall obtain all necessary permits and approvals from the District (including but not limited to Right of Way Occupancy Permits), Palm Beach County, City of Boca Raton, United States Army Corps of Engineers, and any other governmental entities, and pay all associated fees. There is no representation, guaranty or assurance made by the District that the District's Governing Board will in fact approve the issuance of any required District permits, including but not limited to Right of Way Occupancy Permits, and there is no obligation on the part of the District's Governing Board to approve the issuance of any required District permits, including but not limited to Right of Way Occupancy Permits. The District's review process for any required permits, including but not limited to Right of Way Occupancy Permits, will be done separate, independent and unfettered of the fact that the District has approved this Resolution and shall be in accordance with the District's applicable rules.
- f. All of the foregoing terms, conditions, and requirements set forth in subparagraphs (a.) through (e.), inclusive, must be satisfied to the satisfaction of the District in its sole and absolute discretion no later than December 31, 2016.

**Additional Background:**

The Applicants have paid a \$1,000 non-refundable application fee and will pay appraised value, together with all costs associated with the transaction.

**Core Mission and Strategic Priorities:**

Pursuant to Section 373.096, Florida Statutes, the Governing Board of the District may release any right of way interest for which it has no present or apparent future use under terms and conditions determined by the Board. The subject canal right of way is not needed for conservation purposes.

**Funding Source:**

None; the existing canal was conveyed to the District at no cost in 1953 and 1971.

**Staff Contact and/or Presenter:**

Kathy Massey, kmassey@sfwmd.gov, 561-682-6835



## SOUTH FLORIDA WATER MANAGEMENT DISTRICT

### Resolution No. 2015 - 1202

**A Resolution of the Governing Board of the South Florida Water Management District approving the release of right of way interests containing 0.10 acre, more or less, to the Applicants at appraised value; being a portion of the Hillsboro Canal right of way, lying South of Lots 31, 32, 33 and 34, Block 77, THE PALM BEACH FARMS CO. PLAT NO. 10 OF NORTH DEERFIELD, Plat Book 6, page 11, located in Section 36, Township 47 South, Range 42 East, Palm Beach County, subject to satisfaction of certain terms, conditions and requirements; providing an effective date.**

**WHEREAS**, pursuant to a request from the Applicants, William J. Kelley and Diana del Valle, the District has determined that it is in the public interest to release a portion of its current canal right of way to the Applicants to accommodate an outdoor kitchen area. The area of the current Hillsboro Canal right of way to be released contains 0.10 +/- acre, and is located South of Lots 31, 32, 33 and 34, Block 77, THE PALM BEACH FARMS CO. PLAT NO. 10 OF NORTH DEERFIELD, Plat Book 6, page 11, in Section 36, Township 47 South, Range 42 East, Palm Beach County; and

**WHEREAS**, upon the satisfaction of certain terms, conditions and requirements, the Governing Board has determined that said 0.10+/- acre parcel is not required by the District for present or apparent future use; and

**WHEREAS**, the Applicants have paid a \$1,000 application fee and the District will release its interest at appraised value; and

**WHEREAS**, pursuant to Section 373.096, Florida Statutes, the Governing Board of the District may release any right of way interest for which it has no present or apparent future use under terms and conditions determined by the Board;

**NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:**

**Section 1:** The Governing Board of the South Florida Water Management District has determined that the District has no present or apparent future use for the subject portion of the Hillsboro Canal right of way and therefore hereby approves releasing 0.10 acre, more or less, from the current right of way area located South of Lots 31, 32, 33 and 34, Block 77, THE PALM BEACH FARMS CO. PLAT NO. 10 OF NORTH DEERFIELD, Plat Book 6, page 11, in Section 36, Township 47 South, Range 42 East, Palm Beach County, to the Applicants at appraised value, provided all of the following terms, conditions, and requirements are satisfied to the satisfaction of the District, in its sole and absolute discretion, at the Applicants' sole cost and expense:

1. Applicants must provide a legal description and sketch for release instrument, subject to District review and approval.
2. Applicants shall comply with all applicable governmental (County and City) subdivision and platting ordinances in connection with the release of the subject District right of way.
3. All costs associated with this transaction shall be paid for by the Applicants, including but not limited to all recording costs, and under no circumstances shall

the District be obligated to pay any amount to the Applicants or otherwise in connection with this transaction.

4. The Applicants shall pay to the District no less than appraised value for the release of the subject portion of the right of way. The appraiser, appraisal and appraised value must all be acceptable to and approved by the District.
5. The Applicants shall obtain all necessary permits and approvals from the District (including but not limited to Right of Way Occupancy Permits), Palm Beach County, City of Boca Raton, United States Army Corps of Engineers, and any other governmental entities, and pay all associated fees. There is no representation, guaranty or assurance made by the District that the District's Governing Board will in fact approve the issuance of any required District permits, including but not limited to Right of Way Occupancy Permits, and there is no obligation on the part of the District's Governing Board to approve the issuance of any required District permits, including but not limited to Right of Way Occupancy Permits,. The District's review process for any required permits, including but not limited to Right of Way Occupancy Permits, will be done separate, independent and unfettered of the fact that the District has approved this Resolution and shall be in accordance with the District's applicable rules.
6. All of the foregoing terms, conditions, and requirements set forth in subparagraphs (1.) through (5.), inclusive, must be satisfied to the satisfaction of the District in its sole and absolute discretion no later than December 31, 2016.

**Section 2:** The Governing Board of the South Florida Water Management District hereby authorizes the Chairman to execute the release document. No release instrument shall be delivered to the Applicants, or shall be effective, until all of the foregoing requirements have been fully completed and fulfilled to the District's satisfaction, and such release has been recorded in the Public Records of Palm Beach County. The Governing Board hereby determines that the subject canal right of way is not needed for conservation purposes, and that this Resolution was approved by the Governing Board by at least a two-thirds (2/3) vote.

**Section 3:** This Resolution shall take effect immediately upon adoption.

**PASSED and ADOPTED** this 10<sup>th</sup> day of December, 2015.

SOUTH FLORIDA WATER MANAGEMENT  
DISTRICT, BY ITS GOVERNING BOARD  
By:

\_\_\_\_\_  
Chairman

Attest:

Legal form approved:  
By:

\_\_\_\_\_  
District Clerk/Secretary

\_\_\_\_\_  
Office of Counsel

Print name:  
\_\_\_\_\_



## EXHIBIT "A"

That portion of the Hillsboro Canal right of way lying South of Lots 31, 32, 33 and 34, Block 77, THE PALM BEACH FARMS CO. PLAT NO 10 OF NORTH DEERFIELD, recorded in Plat Book 6, page 11, being a portion of that certain 180 foot wide platted road vacated in Resolution recorded in Official Records Book 132, page 545, located in Section 36, Township 47 South, Range 42 East, Palm Beach County, containing 0.10 acre, more or less



## MEMORANDUM

**TO:** Governing Board Members

**FROM:** Ben Ward, Director, Real Estate Division

**DATE:** December 10, 2015

**SUBJECT:** Exchange of Easement interests with FDOT C-4 (Tamiami) Canal Right of Way

**Summary:**

The Florida Department of Transportation (FDOT) is implementing its State Road 985 (S.W. 107<sup>th</sup> Avenue) widening project, which includes widening, drainage improvements and a new bridge crossing the District's C-4 (Tamiami) canal. FDOT is requesting release of a portion of the C-4 right of way within two lots owned by FDOT, containing 0.54 acre, more or less, located in Sections 5 and 6, Township 54 South, Range 40 East, Miami-Dade County. District staff has reviewed FDOT's request and has determined that partial release of the right of way will have no impact on present or future use by the District.

In exchange, FDOT will consent to the District's use of an FDOT owned lot adjacent to the C-4 right of way for staging and access during construction of the District's C-4 Flood Berm project. FDOT will also grant the District an access easement over said adjacent lot for perpetual access to the C-4 right of way (see attached Exhibit "A").

**Core Mission and Strategic Priorities:**

Pursuant to Section 373.056, Florida Statutes, the Governing Board has the authority to convey to any governmental entity land, or rights in land, owned by the District not required for its purposes.

**Funding Source:**

The right of way was acquired at no cost in 1944. Because this road widening project is for the benefit of the public, staff requests that the standard application fee of \$1,000 be waived.

**Staff Contact:** Kathy Massey, kmassey@sfwmd.gov, ext. 6835

## SOUTH FLORIDA WATER MANAGEMENT DISTRICT

### Resolution No. 2015 - 1203

**A Resolution of the Governing Board of the South Florida Water Management District approving the release of a portion of the C-4 (Tamiami) Canal Right of Way containing 0.54 acre, more or less, located in Sections 5 and 6, Township 54 South, Range 40 East, Miami-Dade County, in exchange for a temporary use right and a permanent access easement; providing an effective date.**

**WHEREAS**, the Florida Department of Transportation ("FDOT") is implementing its State Road 985 (S.W. 107<sup>th</sup> Avenue) road widening project, which includes widening, drainage improvements and a new bridge crossing the District's C-4 (Tamiami) canal right of way. FDOT has determined that it is necessary to obtain a release of a portion of the District's C-4 right of way containing 0.54 acre, more or less, in Sections 5 and 6, Township 54 South, Range 40 East, Miami-Dade County; and

**WHEREAS**, the Governing Board has determined that said 0.54+/- acre parcel is not required by the District for present or apparent future use; and

**WHEREAS**, in exchange, the District will use a lot owned by FDOT as a staging site during the construction of the C-4 Flood Berm project and receive a permanent access easement to the C-4 right of way; and

**WHEREAS**, the Governing Board, pursuant to Section 373.056(4), Florida Statutes, has the authority to convey to any governmental entity land, or rights in land, owned by the District not required for its purposes, under terms and conditions determined by the Governing Board; and

**WHEREAS**, the applicant will pay all fees and costs associated with the exchange. Staff recommends waiver of the application fee and that the transaction be considered an even exchange, since the road widening project is for the benefit of the public; **now therefore**

**BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:**

**Section 1:** The Governing Board of the South Florida Water Management District hereby approves the release of a portion of the C-4 right of way containing 0.54 acre, more or less, located in Sections 5 and 6, Township 54 South, Range 40 East, Miami-Dade County, to the Florida Department of Transportation, in exchange for temporary use of a FDOT owned lot and a permanent access easement. The District's application fee will be waived.

**Section 2.** The Governing Board of the South Florida Water Management District hereby authorizes the Chairman to execute the release document.

**Section 3:** This Resolution shall take effect immediately upon adoption.

**PASSED and ADOPTED** this 10th day of December, 2015.

SOUTH FLORIDA WATER MANAGEMENT  
DISTRICT, BY ITS GOVERNING BOARD  
By:

\_\_\_\_\_  
Chairman

Attest:

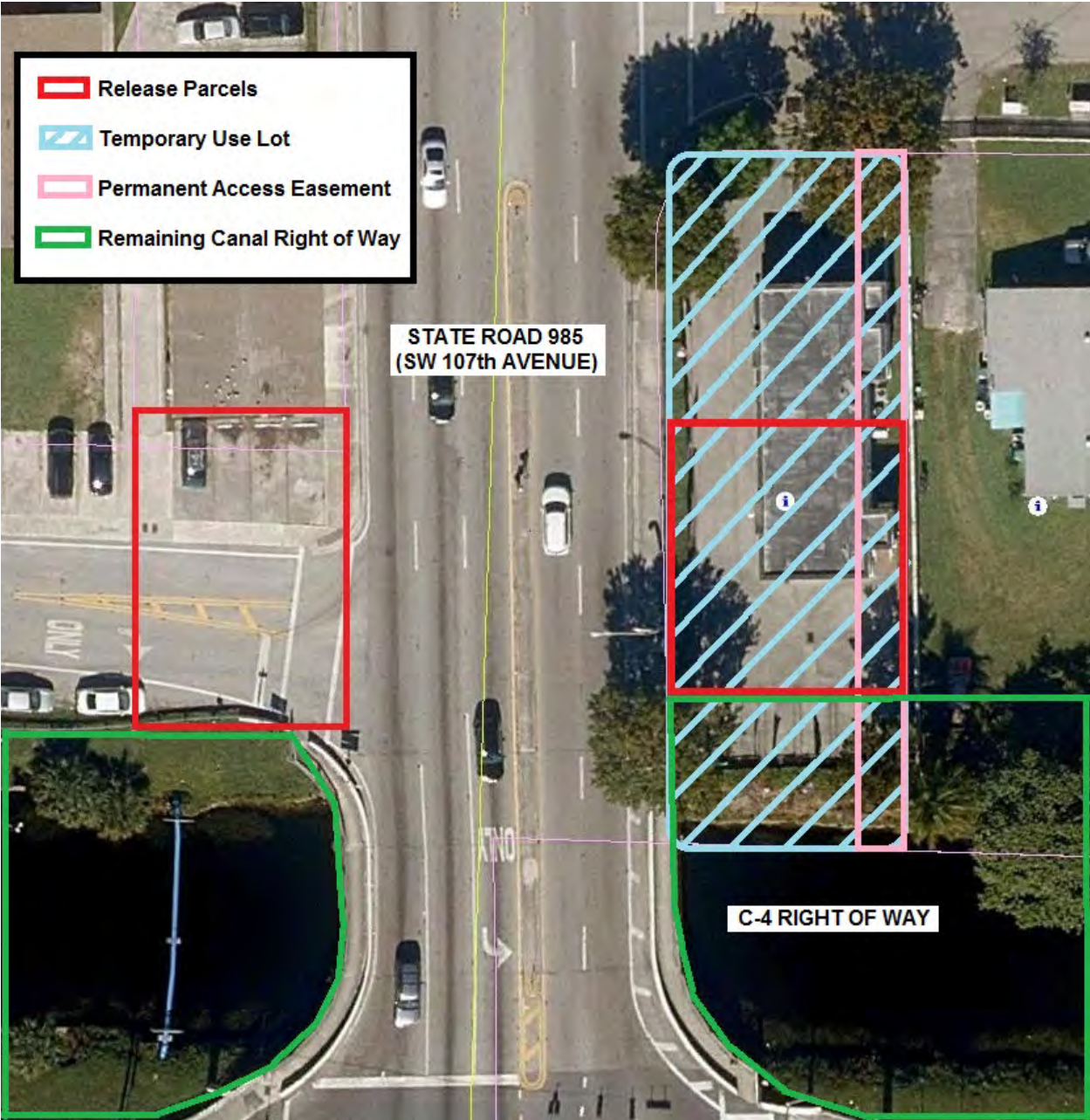
\_\_\_\_\_  
District Clerk/Secretary

Legal form approved:  
By:

\_\_\_\_\_  
Office of Counsel

Print name:

EXHIBIT "A"





**M E M O R A N D U M**

**TO:** Governing Board Members

**FROM:** Ben Ward, Director, Real Estate Division

**DATE:** December 10, 2015

**SUBJECT:** FDOT: Release of Easement interests to FDOT for State Road 80 Widening Project

**Summary:**

The Florida Department of Transportation (FDOT) is implementing its State Road 80 Project, which includes widening and drainage improvements. FDOT has determined that it is necessary to obtain a release of the District's interest in an Easement Deed and Agreement for levee and flood control purposes (the "Easement"), containing 0.35 acre, more or less, located in Sections 8 and 16, Township 43 South, Range 32 East, Hendry County. District staff has reviewed FDOT's request and determined that releasing the Easement parcel will have no impact on present or future use by the District. See location map attached as Exhibit "A".

**Core Mission and Strategic Priorities:**

Pursuant to Section 373.056, Florida Statutes, the Governing Board has the authority to convey to any governmental entity land, or rights in land, owned by the District not required for its purposes, subject to terms and conditions approved by the Governing Board.

**Funding Source:**

The Easement was acquired at no cost in 1953. Because this road widening project is for the benefit of the public, staff requests that the standard application fee of \$1,000 be waived and that the conveyance be given at no cost.

**Staff Contact:** Marcy Zehnder, [mzehnder@sfwmd.gov](mailto:mzehnder@sfwmd.gov), ext. 6694

## SOUTH FLORIDA WATER MANAGEMENT DISTRICT

### Resolution No. 2015 - 1204

**A Resolution of the Governing Board of the South Florida Water Management District to approve the release of Easement interests containing 0.35 acre, more or less, located in Sections 8 and 16, Township 43 South, Range 32 East, Hendry County, to the Florida Department of Transportation at no cost; providing an effective date.**

**WHEREAS**, the Florida Department of Transportation (FDOT) is implementing its State Road 80 Project, which includes widening and drainage improvements. FDOT has determined that it is necessary to obtain a release from the District of portions of an Easement Deed and Agreement for levee and flood control purposes (the "Easement"), containing 0.35 acre, more or less, located in Sections 8 and 16, Township 43 South, Range 32 East, Hendry County; and

**WHEREAS**, the Governing Board has determined that the 0.35 acre Easement parcel is not required by the District for present or apparent future use and that it is in the public interest to release the Easement parcel; and

**WHEREAS**, the Governing Board, pursuant to Section 373.056(4), Florida Statutes, has the authority to convey to any governmental entity land, or rights in land, owned by the District not required for its purposes, under terms and conditions determined by the Governing Board; and

**WHEREAS**, the applicant will pay all fees and costs associated with the release of the Easement. Staff recommends waiver of the application fee and that the Easement interest be released at no cost, because the road widening project is for the benefit of the public.

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:**

**Section 1.** The Governing Board of the South Florida Water Management District hereby approves the release of portions of the Easement containing 0.35 acre, more or less, located in Sections 8 and 16, Township 43 South, Range 32 East, Hendry County, to the Florida Department of Transportation at no cost to the applicant, except for recording and other transactional costs or fees associated with the release. The District's application fee will be waived.

**Section 2.** The Governing Board of the South Florida Water Management District hereby authorizes the Chairman to execute the release document.

**Section 3.** This Resolution shall take effect immediately upon adoption.

**PASSED and ADOPTED** this 10<sup>th</sup> day of December, 2015.

SOUTH FLORIDA WATER MANAGEMENT  
DISTRICT, BY ITS GOVERNING BOARD  
By:

\_\_\_\_\_  
Chairman

Attest:

\_\_\_\_\_  
District Clerk/Secretary

Legal form approved:  
By:

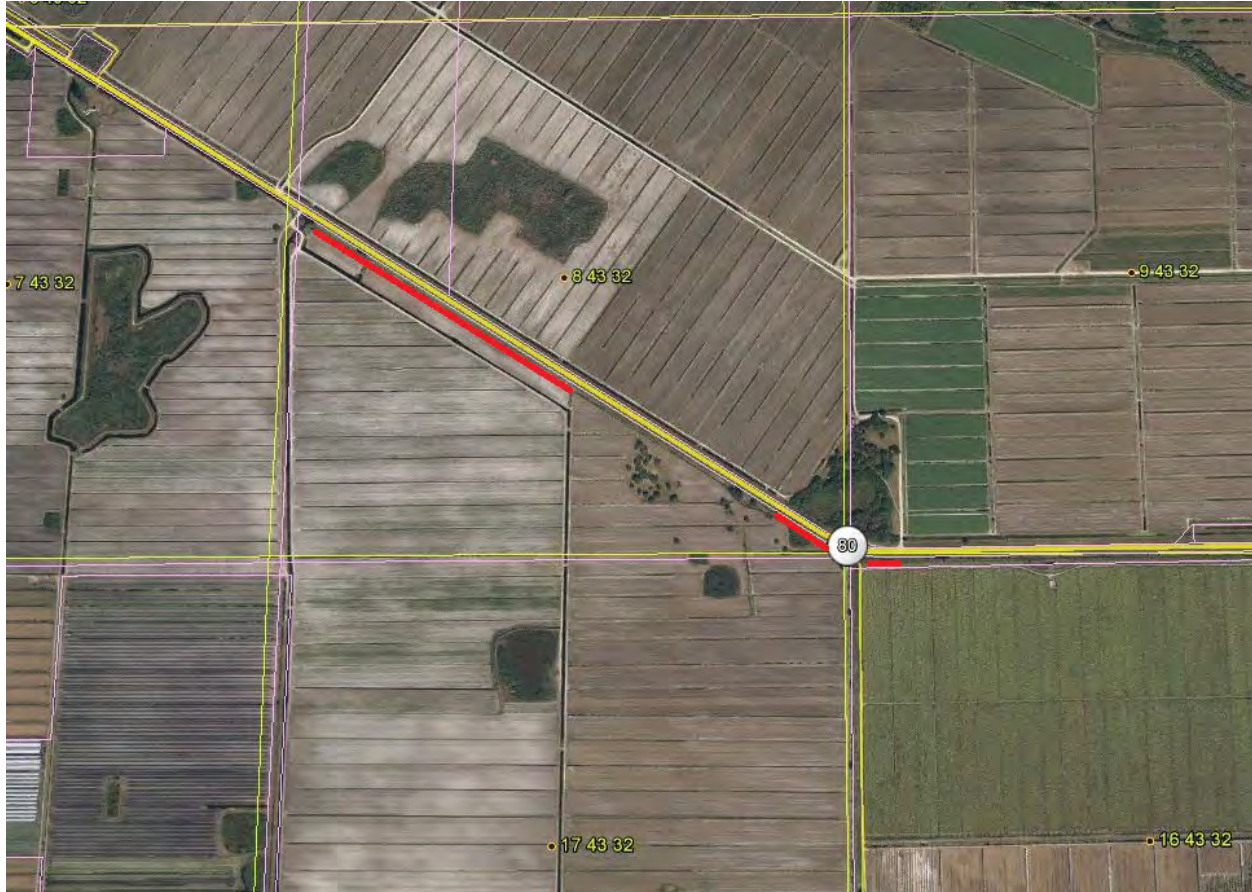
\_\_\_\_\_  
Office of Counsel

Print name:



**EXHIBIT "A"**

Several small parcels containing 0.35 acre located south and southwest of the southwesterly right of way line of State Road 80 in Sections 8 and 16, Township 43 South, Range 32 East, Hendry County



## MEMORANDUM

**TO:** Governing Board Members

**FROM:** Ben Ward, Director, Real Estate Division

**DATE:** December 10, 2015

**SUBJECT:** FDOT: Subordination of Easement interests to FDOT for State Road 80 Widening Project

**Summary:**

The Florida Department of Transportation (FDOT) is implementing its State Road 80 Project, which includes widening and drainage improvements. FDOT has determined that it is necessary to obtain a subordination of the District's interest in an Easement Deed and Agreement for levee and flood control purposes (the "Easement"), containing 0.14 acre, more or less, located in Section 31, Township 42 South, Range 32 East, Glades County, and Sections 7, 8 and 16, Township 43 South, Range 32 East, Hendry County. District staff has reviewed FDOT's request and determined that subordinating the District's interest in the Easement parcels will have no impact on present or future use by the District.

**Core Mission and Strategic Priorities:**

Pursuant to Section 373.056, Florida Statutes, the Governing Board has the authority to convey to any governmental entity land, or rights in land, owned by the District not required for its purposes, subject to terms and conditions approved by the Governing Board.

**Funding Source:**

The easement was acquired at no cost in 1953. As this road widening project is for the benefit of the public, staff requests that the standard application fee of \$1,000 be waived.

**Staff Contact:** Marcy Zehnder, [mzehnder@sfwmd.gov](mailto:mzehnder@sfwmd.gov), ext. 6694

## SOUTH FLORIDA WATER MANAGEMENT DISTRICT

### Resolution No. 2015 - 1205

**A Resolution of the Governing Board of the South Florida Water Management District to approve the subordination of Easement interests containing 0.14 acre, more or less, located in Section 31, Township 42 South, Range 32 East, Glades County and Sections 7, 8 and 16, Township 43 South, Range 32 East, Hendry County, to the Florida Department of Transportation; providing an effective date.**

**WHEREAS**, the Florida Department of Transportation (FDOT) is implementing its State Road 80 Project, which includes widening and drainage improvements. FDOT has determined that it is necessary to obtain a subordination from the District of portions of an Easement Deed and Agreement for levee and flood control purposes (the "Easement"), containing 0.14 acre, more or less, located in Section 31, Township 42 South, Range 32 East, Glades County, and Sections 7, 8 and 16, Township 43 South, Range 32 East, Hendry County; and

**WHEREAS**, the Governing Board has determined that the 0.14 acre Easement parcel is not required by the District for present or apparent future use and that it is in the public interest to subordinate the District's interest in the Easement parcel; and

**WHEREAS**, the Governing Board, pursuant to Section 373.056(4), Florida Statutes, has the authority to convey to any governmental entity land, or rights in land, owned by the District not required for its purposes, under terms and conditions determined by the Governing Board; and

**WHEREAS**, the applicant will pay all fees and costs associated with the subordination of the easement. Staff recommends waiver of the application fee, because the road widening project is for the benefit of the public.

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:**

**Section 1.** The Governing Board of the South Florida Water Management District hereby approves the subordination of portions of the Easement containing 0.14 acre, more or less, located in Section 31, Township 42 South, Range 32 East, Glades County, and Sections 7, 8 and 16, Township 43 South, Range 32 East, Hendry County, to the Florida Department of Transportation. The District's application fee will be waived.

**Section 2.** The Governing Board of the South Florida Water Management District hereby authorizes the Chairman to execute the subordination document.

**Section 3.** This Resolution shall take effect immediately upon adoption.

**PASSED and ADOPTED** this 10th day of December, 2015.

SOUTH FLORIDA WATER MANAGEMENT  
DISTRICT, BY ITS GOVERNING BOARD  
By:

\_\_\_\_\_  
Chairman

Attest:

\_\_\_\_\_  
District Clerk/Secretary

Legal form approved:  
By:

\_\_\_\_\_  
Office of Counsel

Print name:

# EXHIBIT "A"

Several small parcels totaling 0.14 acre located north of State Road 80 in Section 31, Township 42 South, Range 31 East, Glades County, and southwesterly and south of the southwesterly right of way line of State Road 80 in Sections 7, 8 and 16, Township 43 South, Range 32 East, Hendry County



**MEMORANDUM**

**TO:** Governing Board Members

**FROM:** Ben Ward, Director, Real Estate Division

**DATE:** December 10, 2015

**SUBJECT:** Issue Quitclaim Deed to Clear a Cloud on Title

**Summary:**

The District received a Quitclaim Deed from Lee County in May 1962, which conveyed lands needed for the expansion of the C-43 (Caloosahatchee) canal. Said deed contained an erroneous legal description that clouded the title to lots located within the plat of J.C. AND J. S. ENGLISH SUBDIVISION, recorded in Plat Book 1, page 21, Lee County public records. The current owners of two lots within said subdivision, Rusty Luce and Kelly Luce, have requested a Quitclaim Deed from the District to clear the title cloud from their property. District staff researched this title issue and concur that the conveyance from Lee County did cloud the title to the adjacent subdivision lots. The Quitclaim Deed to be issued by the District will not include any portion of the C-43 canal right of way. See location map attached as Exhibit "A".

**Core Mission and Strategic Priorities:**

Pursuant to Section 373.096 of the Florida Statutes, the Governing Board of the District may release any easement, reservation or right-of-way for which it has no present or apparent use under terms and conditions determined by the Governing Board.

**Funding Source:**

N/A

**Staff Contact and/or Presenter:**

Kathy Massey, kmassey@sfwmd.gov, 561-682-6835



## SOUTH FLORIDA WATER MANAGEMENT DISTRICT

### Resolution No. 2015 - 1206

**A Resolution of the Governing Board of the South Florida Water Management District approving the issuance of a Quitclaim Deed to clear any interest the District may have in Lots 8 and 9, J. C. AND J. S. ENGLISH SUBDIVISION, PB 1-21, located in Section 21, Township 43 South, Range 27 East, Lee County; providing an effective date.**

**WHEREAS**, the District is agreeable to clarifying that the District does not claim any interest with respect to that portion of Lots 8 and 9, J. C. AND J. S. ENGLISH SUBDIVISION, recorded in Plat Book 1, page 21, lying Northerly of the North right of way line of the C-43 (Caloosahatchee) canal, in Section 21, Township 43 South, Range 27 East, by granting a Quitclaim Deed to Rusty Luce and Kelly Luce, the fee simple owners of said Lots; and

**WHEREAS**, this Quitclaim Deed will not include any portion of the C-43 right of way; and

**WHEREAS**, in accordance with Section 373.096, Florida Statutes, the Governing Board may release any easements, reservations, or right-of-way interests for which it has no present or apparent use, all under such terms and conditions as the Governing Board may determine.

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:**

**Section 1:** The Governing Board of the South Florida Water Management District hereby approves granting a Quitclaim Deed to Rusty Luce and Kelly Luce to clarify that the District does not claim any interest in Lots 8 and 9 of the J. C. AND J. S. ENGLISH SUBDIVISION, recorded in Plat Book 1, page 21, in Section 21, Township 43 South, Range 27 East, Lee County.

**Section 2:** The Governing Board of the South Florida Water Management District hereby authorizes the Chairman to execute the Quitclaim Deed.

**Section 3:** This Resolution shall take effect immediately upon adoption.

**PASSED and ADOPTED** this 10<sup>th</sup> day of December, 2015.

SOUTH FLORIDA WATER MANAGEMENT  
DISTRICT, BY ITS GOVERNING BOARD  
By:

\_\_\_\_\_  
Chairman

Attest:

\_\_\_\_\_  
District Clerk/Secretary

Legal form approved:  
By:

\_\_\_\_\_  
Office of Counsel

Print name:



# EXHIBIT "A"

That portion of Lots 8 and 9, J. C. AND J. S. ENGLISH SUBDIVISION, Plat Book 1, page 21, lying Northerly of the North right of way line of the C-43 (Caloosahatchee) canal, located in Section 21, Township 43 South, Range 27 East, Lee County



## MEMORANDUM

**TO:** Governing Board Members

**FROM:** Ben Ward, Director, Real Estate Division

**DATE:** December 10, 2015

**SUBJECT:** Agreement with the City of Weston and Indian Trace Development District

**Re: Approve Agreement with the City of Weston for Donation of 309.51 Acres of Land Interests in the Broward County Water Preserve Areas Project**

**Summary:**

The Broward County Water Preserve Areas Project ("Project") includes certain land interests owned by the City of Weston and Indian Trace Development District (collectively the "City") within the C-11 Impoundment Area of the Project (see Exhibit "A"). The District, as local sponsor, is responsible for acquiring all the land within the boundaries of the Project and certifying the lands to the U. S. Army Corps of Engineers (the "Corps") for Project purposes. The District and the City have entered into an Agreement whereby the City has agreed to donate all of its fee simple and easement interests, totaling 309.51+/- acres, located within the Project boundary (the "Property") to the District. The City has also agreed to formally vacate two (2) public road right of ways located within the Property. The District will provide alternative access to the abutting landowners currently using said roads for access and relocation of utilities located within the property, to the extent required by law.

**Core Mission and Strategic Priorities:**

Broward County Water Preserve Areas Project will reduce seepage loss from Water Conservation Areas 3A and 3B ("WCA-3A/3B"), and capture, store, and distribute surface water runoff for C-9 and C-11 Basins, some of which presently discharges into WCA-3A/3B. The Project includes the construction of canals, levees, water control structures, buffer marsh areas, and two shallow water storage impoundments that provide approximately 11,600 acre-feet of storage. The Broward County Water Preserve Areas Project is a Comprehensive Everglades Restoration Project.

**Funding Source:**

The land interests are being conveyed to the District at no cost.

**Staff Contact and/or Presenter:**

Richard Bassell, rbassell@sfwmd.gov, (561) 682-2510

## SOUTH FLORIDA WATER MANAGEMENT DISTRICT

### Resolution No. 2015 - 1207

**A Resolution of the Governing Board of the South Florida Water Management District to approve an Agreement with the City of Weston and Indian Trace Development District for the donation of land interests in Broward County for the Broward County Water Preserve Areas Project; providing an effective date.**

**WHEREAS**, the South Florida Water Management District is the local sponsor for the U.S. Army Corps of Engineers ("Corps") on the Broward County Water Preserve Areas Project ("Project") that will reduce seepage loss from Water Conservation Areas 3A and 3B ("WCA-3A/3B"), and capture, store, and distribute surface water runoff for C-9 and C-11 Basins, some of which presently discharges into WCA-3A/3B; and

**WHEREAS**, Project includes the construction of canals, levees, water control structures, buffer marsh areas and two shallow water storage impoundments that provide approximately 11,600 acre-feet of storage; and

**WHEREAS**, the District is responsible for acquiring the lands located within the boundaries of the Project and certifying the lands to the Corps for the Project purposes; and

**WHEREAS**, the City of Weston and Indian Trace Development District (collectively the "City") own certain fee simple and easement interests within the C-11 Impoundment area of the Project ("Property") and have agreed to donate the City-owned Property to the District in support of the Project; and

**WHEREAS**, the Property includes 225.53 acres, more or less, of land owned by the City in fee simple, subject to applicable permits and a conservation easement in favor Broward County and the Florida Department of Environmental Protection ("Mitigation Area"), which will be managed by the District in a manner consistent with the terms and conditions of the permits and the conservation easement; and

**WHEREAS**, the Property includes two (2) public road right of ways (SW 26<sup>th</sup> Street and SW 36<sup>th</sup> Street), which will be formally vacated by the City prior to closing, and the District will be required to provide alternative access to any abutting landowner that currently uses said roads for access; and

**WHEREAS**, the South Florida Water Management District is authorized to accept the conveyance of land interests from municipalities and governmental agencies pursuant to Section 373.056, Florida Statutes.

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:**

**Section 1.** The Governing Board of the South Florida Water Management District hereby approves the Agreement with the City of Weston and Indian Trace Development District for the donation of land interests owned by the City within the boundary of the C-11 Impoundment Area of the Broward County Water Preserve Area Project, as shown on the attached Exhibit "A".

**Section 2.** The Governing Board of the South Florida Water Management District hereby agrees that the District will accept the Mitigation Area lands subject to the existing permits and the conservation easement and

will assume the ongoing management of such lands.

**Section 3.** The Governing Board of the South Florida Water Management District hereby authorizes the Chairman or Vice Chairman to execute the Agreement.

**Section 4.** This Resolution shall take effect immediately upon adoption.

**PASSED** and **ADOPTED** this 10<sup>th</sup> day of December, 2015.

SOUTH FLORIDA WATER MANAGEMENT  
DISTRICT, BY ITS GOVERNING BOARD  
By:

\_\_\_\_\_  
Chairman

Attest:

Legal form approved:  
By:

\_\_\_\_\_  
District Clerk/Secretary

\_\_\_\_\_  
Office of Counsel

Print name:



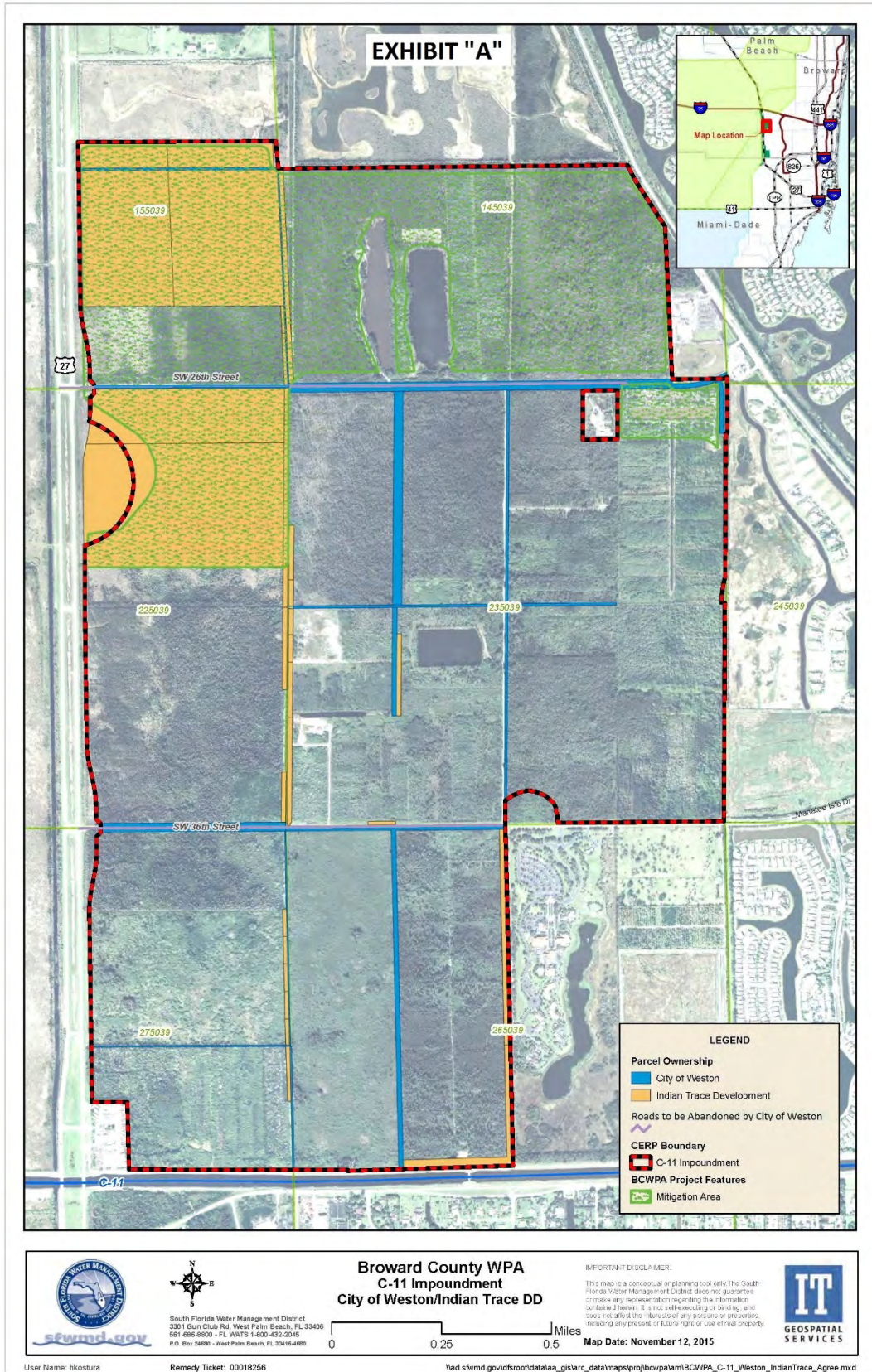


Exhibit "A" – page 1 of 1

## MEMORANDUM

**TO:** Governing Board Members

**FROM:** Ben Ward, Director, Real Estate Division

**DATE:** December 10, 2015

**SUBJECT:** Approve acquisition of land interests containing 5.0 acres, +/- in Miami-Dade County for \$40,000

**Summary:**

Tract No. W9307-022, owned by David Feldman, personal representative of the Estate of Jerome Feldman, deceased, and Judith Halprin, comprises a total of 5.0 acres located within the District's Pennsuco Wetlands Project. The purchase price for Tract No. W9307-022 is \$40,000, together with associated costs, restoration costs and land management costs in the cumulative amount of \$10,133.85. The Pennsuco wetlands are approximately 13,000 acres of wetland prairie located adjacent to the east perimeter of Water Conservation Area (WCA) 3B in northwestern Miami-Dade County. The Pennsuco area is bordered to the west and north by Krome Avenue, to the south by Tamiami Trail and the east by the Dade-Broward Levee.

**Core Mission and Strategic Priorities:**

Acquisition of the Pennsuco wetlands is a key component of the Florida legislature approved Miami-Dade County Lake Belt Plan. The Pennsuco wetlands serve as a buffer between developed areas of Miami-Dade County, to the east, and the Everglades, to the west.

**Funding Source:**

The acquisition of this tract is from a willing seller. The purchase price of \$40,000 is under the appraised value of \$70,000. The closing costs will be paid by the seller. All costs, including acquisition, associated costs, restoration costs and long term land management costs are to be funded from the Lake Belt Mitigation Fund.

**Staff Contact and/or Presenter:**

Marcy Zehnder, ext. 6694





## SOUTH FLORIDA WATER MANAGEMENT DISTRICT

### Resolution No. 2015 - 1208

A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of land interests containing 5.0 acres, more or less, in Miami-Dade County, Pennsuco Project, in the amount of \$40,000, plus associated costs, restoration costs and long term land management costs in the cumulative amount of \$10,133.85, for which dedicated funds (Lake Belt Mitigation Fund) have been budgeted; approve declaring surplus, disposal of, and removal from the asset records any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition; providing an effective date.

**WHEREAS**, the South Florida Water Management District is currently acquiring land from willing sellers in connection with the implementation of the Pennsuco Project; and

**WHEREAS**, the South Florida Water Management District desires to purchase land interests containing 5.0 acres, more or less, for the Pennsuco Project, in Miami-Dade County, and as shown on the location map Exhibit "A", attached hereto and made a part hereof, in the amount of \$40,000, and declare surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose for the original land acquisition; and

**WHEREAS**, all costs are to be funded from the Lake Belt Mitigation Fund for the acquisition, associated costs, restoration costs and long term land management costs and

**WHEREAS**, the South Florida Water Management District is authorized to acquire land, or interests or rights in land, pursuant to Section 373.139, Florida Statutes.

### **NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:**

**Section 1.** The Governing Board of the South Florida Water Management District hereby approves the purchase of land interests containing 5.0 acres, more or less, in Miami-Dade County, Pennsuco Project, in the amount of \$40,000, together with associated costs, restoration costs and land management costs in the cumulative amount of \$10,133.85, for which dedicated funds (Lake Belt Mitigation Fund) have been budgeted, as follows:

Owner	Tract No.	Interest	Acres	Appraised Value	Purchase Price
DAVID FELDMAN, personal representative of the Estate of JEROME FELDMAN, deceased, and JUDITH HALPRIN	W9307-022	Fee	5.0	\$70,000	\$40,000

Dollars	Fund	Fund Center	Functional Area	Commitment Item GL Account #
\$ 40,000.00	419000	3510144000	AA05	580020
\$ 1,986.20	219000	3510144000	AA05	580014
\$ 4,537.65	211021	3510144000	AA05	530200
\$ 3,610.00	701021	3510144000	AA05	530200

**Section 2.** The Governing Board of the South Florida Water Management District hereby further approves declaring surplus, disposal of and removal from the asset records, any such structures and improvement deemed unnecessary for the stated purpose of the original land acquisition.

**Section 3.** The Governing Board of the South Florida Water Management District hereby authorizes the Chairman or Vice Chairman to execute the Agreement for Sale and Purchase instrument. The Governing Board of the South Florida Water Management District hereby authorizes the Executive Director or the Executive Director's designee to execute all other documents necessary to consummate this transaction.

**Section 4.** This Resolution shall take effect immediately upon adoption.

**PASSED** and **ADOPTED** this 10<sup>th</sup> day of December, 2015.

SOUTH FLORIDA WATER MANAGEMENT  
DISTRICT, BY ITS GOVERNING BOARD  
By:

\_\_\_\_\_  
Chairman

Attest:

Legal form approved:  
By:

\_\_\_\_\_  
District Clerk/Secretary

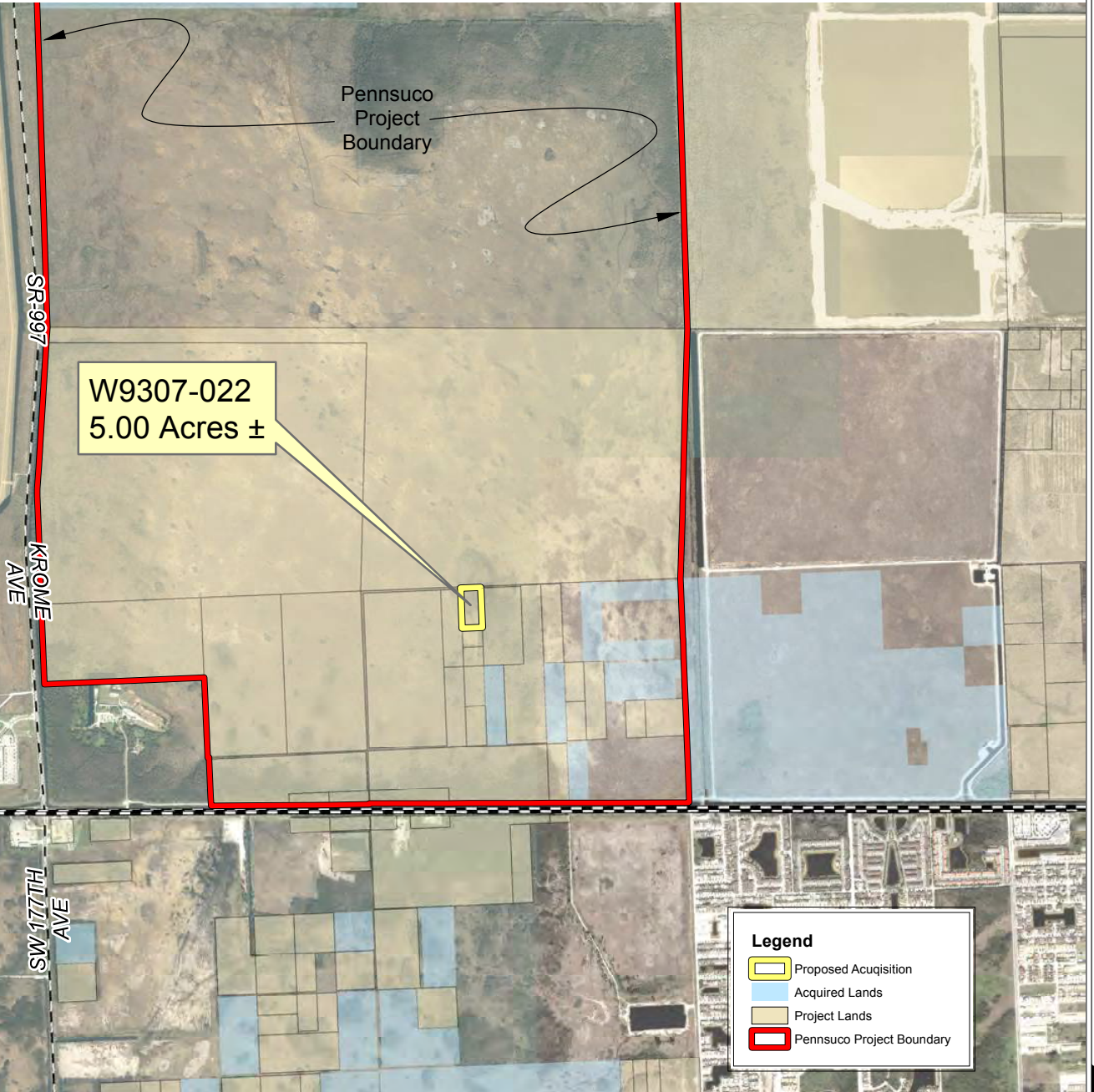
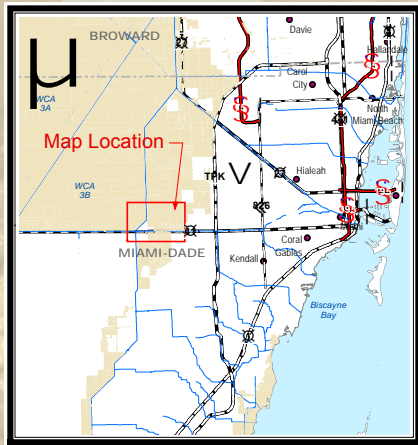
\_\_\_\_\_  
Office of Counsel

Print name:  
\_\_\_\_\_

Exhibit "A"

ca\_re\_207\_Schaeffer\_Pennsuco\_ExhA\_map.pdf

# Tract W9307-022 Miami-Dade County



0 550 1,100 2,200 Feet  
0 150 300 600 Meters

**IMPORTANT DISCLAIMER:**  
This map is a conceptual or planning tool only. The South Florida Water Management District does not guarantee or make any representation regarding the information contained herein. It is not self-executing or binding, and does not affect the interests of any persons or properties, including any present or future right or use of real property.

**Legend**

- Proposed Acquisition
- Acquired Lands
- Project Lands
- Pennsuco Project Boundary

## M E M O R A N D U M

**TO:** Governing Board Members

**FROM:** Karen Estock, Division Director

**DATE:** December 10, 2015

**SUBJECT:** Lakeside Ranch Stormwater Treatment Area

### **Summary:**

The District manages and operates 2,700 acres of created wetlands in Martin and Okeechobee Counties as the Lakeside Ranch Stormwater Treatment Area. The property is currently classified as “Vacant Undesignated Lands”. The formal designation of this property as a “Stormwater Treatment Area”, in accordance with Public Use Rule 40E-7.521(27), Florida Administrative Code, will provide a regulatory framework for managing and enhancing recreational use on the property consistent with the need to provide resource protection measures necessary for the successful operation of the property as a stormwater treatment area.

The “Stormwater Treatment Area” designation will allow the District to utilize public use rules on Lakeside Ranch that were adopted specifically for managing public recreation on stormwater treatment areas as described in Public Use Rule 40E-7, Florida Administrative Code. These rules include establishing public access points and allowing for the management and enhancement of recreation while still providing necessary resource protection measures.

### **Core Mission and Strategic Priorities**

This Governing Board item supports the District’s core mission and strategic goals by providing public recreation on District managed lands consistent with Section 373.1391, F.S. The Land Resources Bureau is responsible for implementing and managing public recreation on District lands.

### **Funding Source**

This item does not require the expenditure of District funds.

### **Staff Contact and/or Presenter**

Steve Coughlin, Section Administrator, Land Stewardship  
561-682-2603, [scougli@sfwmd.gov](mailto:scougli@sfwmd.gov)

## SOUTH FLORIDA WATER MANAGEMENT DISTRICT

### Resolution No. 2015 - 1209

**A Resolution of the Governing Board of the South Florida Water Management District to designate approximately 2,700 acres in Martin and Okeechobee Counties, commonly referred to as the Lakeside Ranch Stormwater Treatment Area, as a "Stormwater Treatment Area", as defined in Public Use Rule 40E-7.521(27), Florida Administrative Code, for the purpose of managing public recreation; providing an effective date.**

**WHEREAS**, pursuant to Section 140-73 of the South Florida Water Management District Policies Code, "District lands shall be open to public recreational access and use activities as is practicable and in a manner consistent with legislative directives, intended uses, legal considerations, and resources"; and

**WHEREAS**, the District owns certain lands in Martin and Okeechobee Counties commonly referred to as Lakeside Ranch Stormwater Treatment Area comprising 2,700 acres, more or less, as identified in Exhibit "A" and attached hereto and incorporated herein by reference (collectively, the "Properties"); and

**WHEREAS**, the Governing Board of the South Florida Water Management District deems it necessary, appropriate, and in the public interest to establish the Properties as a "Stormwater Treatment Area" as defined in Public Use Rule 40E-7.521(27), F.A.C. for the sole purpose of administering Rule 40E-7, F.A.C.; and

**WHEREAS**, this designation will allow persons to enter and exit the Stormwater Treatment Area only at designated access points, and will provide for the management and enhancement of recreation as set forth in Rule 40E-7, F.A.C. while providing necessary resource protection measures for the operation of the stormwater treatment area.

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:**

**Section 1.** The Governing Board of the South Florida Water Management District hereby designates the lands depicted on Exhibit "A" as a "Stormwater Treatment Area" as defined in Rule 40E-7, F.A.C., for the purposes of managing public access and recreational use on these lands.

**Section 2.** This Resolution shall take effect immediately upon adoption.

**PASSED and ADOPTED** this 10th day of December, 2015.



SOUTH FLORIDA WATER MANAGEMENT  
DISTRICT, BY ITS GOVERNING BOARD  
By:

\_\_\_\_\_  
Chairman

Attest:

\_\_\_\_\_  
District Clerk/Secretary

Legal form approved:  
By:

\_\_\_\_\_  
Office of Counsel

Print name:



## MEMORANDUM

**TO:** Governing Board Members

**FROM:** Karen Estock, Division Director

**DATE:** December 10, 2015

**SUBJECT:** FDOC Work Squad for WPB Field Station & General Services

### Summary

This request is to authorize entering into a three (3) year contract with an option for one three year renewal with the Florida Department of Corrections (FDOC) to provide inmate labor and support to West Palm Beach Field Station and the General Services Section area of responsibility, in an amount not to exceed \$352,176. The FDOC shall provide a Correctional Work Squad Officer to supervise an inmate work squad to perform routine maintenance such as mowing, cleaning, painting, etc. at various District facilities. The Contract provides for one (1) Work Squad with up to five (5) inmates.

### Additional Background

The FDOC work squad will assist both the West Palm Beach Field Station and the General Services Section under this contract. The work squad will perform mowing around structures, painting, fence and gate repair, weed barrier construction and placement, seeding of levees, and other assigned duties for the Field Station. The work squad will perform mowing, weeding, cleaning, painting, and various other outside services for General Services facilities including Headquarters and the Field Operations Center.

### Core Mission and Strategic Priorities

This proposed contract supports the District's mission of cost effectively maintaining District lands and facilities by providing the necessary contracted labor at a significantly reduced cost.

### Funding Source

The amount of the services for the three (3) year contract with an option for one additional three year renewal period is not to exceed \$352,176 in funds of which \$64,691 is budgeted in FY16 and the remainder subject to Governing Board approval of the FY17 - FY21 budgets.

### Staff Contact and/or Presenter

Joel Arrieta, Bureau Chief, Field Operations North, Field Operations & Land Management Division, 561-682-2867 / [jarrieta@sfwmd.gov](mailto:jarrieta@sfwmd.gov)

## SOUTH FLORIDA WATER MANAGEMENT DISTRICT

### Resolution No. 2015 - 1210

**A Resolution of the Governing Board of the South Florida Water Management District to authorize Contract 4600003338 with the Florida Department of Corrections to provide inmate labor and support to the West Palm Beach Field Station, as well as general services at the Field Operation Center and Headquarters for three years with one additional three year renewal option, in an amount not to exceed \$352,176 of which \$64,691 in funds are budgeted in FY16, and the remainder is subject to Governing Board approval of the FY17 - FY21 budgets; providing an effective date.**

**WHEREAS**, the Governing Board of the South Florida Water Management District deems it necessary, appropriate and in the public interest to authorize Contract 4600003338 with the Florida Department of Corrections to provide inmate labor and support to the West Palm Beach Field Station, as well as general services at the Field Operation Center and Headquarters for three years with one additional three (3) year renewal option, in an amount not to exceed \$352,176.00 of which \$64,691.00 in funds are budgeted in FY16, and the remainder is subject to Governing Board approval of the FY17 - FY21 budgets.

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:**

**Section 1.** The Governing Board of the South Florida Water Management District hereby approves the execution of 4600003338 with the Florida Department of Corrections.

**Section 2.** This resolution shall take effect immediately upon adoption.

**PASSED and ADOPTED** this 10<sup>th</sup> day of December, 2015.

SOUTH FLORIDA WATER MANAGEMENT  
DISTRICT, BY ITS GOVERNING BOARD  
By:

\_\_\_\_\_  
Chairman

Attest:

\_\_\_\_\_  
District Clerk/Secretary

Legal form approved:  
By:

\_\_\_\_\_  
Office of Counsel

Print name:

## MEMORANDUM

**TO:** Governing Board Members

**FROM:** Karen Estock, Division Director

**DATE:** December 10, 2015

**SUBJECT:** FDOC Work Squad for Homestead Field Station

### Summary

This request is to authorize entering into a three (3) year contract with an option for one additional three year renewal period with the Florida Department of Corrections (FDOC) to provide inmate labor and support to Homestead Field Station area of responsibility, in an amount not to exceed \$352,607. The FDOC shall provide a Correctional Work Squad Officer to supervise an inmate work squad to perform routine maintenance such as mowing, cleaning, painting, etc. at various District facilities. The Contract provides for one (1) Work Squad with up to five (5) inmates.

### Additional Background

The FDOC work squad will assist the Homestead Field Station under this contract. The work squad will perform mowing and weed eating around structures, litter pick up, cleaning, painting, fence and gate repair, weed barrier construction and placement, seeding of levees and other assigned duties for the Field Station.

### Core Mission and Strategic Priorities

This proposed contract supports the District's mission of cost effectively maintaining District lands and facilities by providing the necessary contracted labor at a significantly reduced cost.

### Funding Source

The amount of the services for the three (3) year contract with an option for one additional three year renewal period is not to exceed \$352,607 in funds of which \$65,122 is budgeted in FY16 and the remainder will be subject to Governing Board approval for the FY17 - FY21 budgets.

### Staff Contact and/or Presenter

Joel Arrieta, Bureau Chief, Field Operations North, Field Operations & Land Management Division, 561-682-2867 / [jarrieta@sfwmd.gov](mailto:jarrieta@sfwmd.gov)



# SOUTH FLORIDA WATER MANAGEMENT DISTRICT

## Resolution No. 2015 - 1211

**A Resolution of the Governing Board of the South Florida Water Management District to authorize Contract 4600003337 with the Florida Department of Corrections to provide inmate labor and support to the Homestead Field Station area of responsibility for three (3) years with one additional three year renewal option, in an amount not to exceed \$352,607 of which \$65,122 are budgeted in FY16, and the remainder is subject to Governing Board approval of the FY17 - FY21 budgets; providing an effective date.**

**WHEREAS**, the Governing Board of the South Florida Water Management District deems it necessary, appropriate and in the public interest to authorize Contract 4600003337 with the Florida Department of Corrections to provide inmate labor and support to the Homestead Field Station area of responsibility for three (3) years with one (1) additional three (3) year renewal option in an amount not to exceed \$352,607 of which \$65,122 are budgeted in FY16, and the remainder is subject to Governing Board approval of the FY17 - FY21 budgets.

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:**

**Section 1.** The Governing Board of the South Florida Water Management District hereby approves the execution of 4600003337 with the Florida Department of Corrections.

**Section 2.** This Resolution shall take effect immediately upon adoption.

**PASSED and ADOPTED** this 10<sup>th</sup> day of December, 2015.

SOUTH FLORIDA WATER MANAGEMENT  
DISTRICT, BY ITS GOVERNING BOARD  
By:

\_\_\_\_\_  
Chairman

Attest:

Legal form approved:  
By:

\_\_\_\_\_  
District Clerk/Secretary

\_\_\_\_\_  
Office of Counsel

Print name:  
\_\_\_\_\_

## MEMORANDUM

**TO:** Governing Board Members

**FROM:** Jeff Kivett, Division Director

**DATE:** December 10, 2015

**SUBJECT:** Gladeview Water Control District: STA1W Expansion #1

### Summary

The footprint of the approximately 4,600-acre STA 1W Expansion #1 is located within the Gladeview Water Control District, which manages the water for approximately 11,137 acres of land. Their system is composed of lateral canals that discharge into a central canal (Gladeview Canal), which flows north into the L-13 Canal by operation of the Gladeview District Pump Station. Modeling during the design effort for STA 1W Expansion #1 revealed the pre-construction average pump flow volume attributed to the site is 12,430 ac-ft/yr. from stormwater runoff. Upon completion, the STA 1W Expansion #1 would capture this stormwater runoff onsite, but by maintaining a high water level within the STA, the Gladeview Canal would receive a comparable amount of seepage water. Based on this modeling, the Gladeview Water Control District is expected to continue servicing the STA 1W Expansion #1 land with a similar level of cost, both pre- and post-construction. Construction of a separate seepage canal within the project footprint along the west perimeter was considered but is not being pursued based on the following factors: 1) Construction of the canal and an additional seepage pump station would cost an estimated \$20 million; 2) Construction of the seepage canal would remove effective treatment areas that would otherwise be used to help meet the Restoration Strategies WQBEL; and 3) The existing Gladeview Canal already has the required features to effectively serve as a seepage canal for the STA 1W Expansion #1 project.

### Additional Background

During the Gladeview Water Control District Board meeting on Friday, September 18, 2015, the Gladeview Board requested a letter from the South Florida Water Management District, expressing its intention to pay Gladeview's costs in managing project water. Gladeview will not issue a Culvert Connection Permit for the construction of STA 1W Expansion #1 until the letter is submitted.

### Core Mission and Strategic Priorities

The STA 1W Expansion #1 Project supports the District's core mission of Ecosystem Restoration by increasing the District's ability to effectively treat stormwater prior to discharging it into Water Conservation Area No. 1.

### Staff Contact and/or Presenter

John P. Mitnik, P.E., Bureau Chief, Engineering and Construction Bureau  
561-682-2679 / jmitnik@sfwmd.gov

# SOUTH FLORIDA WATER MANAGEMENT DISTRICT

## Resolution No. 2015 - 1212

**Authorize the Executive Director or his designee to send a letter to the Gladeview Water Control District expressing the intent to pay Gladeview's yearly costs associated with managing water from the STA1W Expansion #1 project, subject to the limitations of applicable Florida law and subject to the availability of future fiscal year funding, including Governing Board approval of future fiscal years budgets. (Contract number 4600003356)**

**WHEREAS**, the STA 1W Expansion #1 is a component of the Restoration Strategies Regional Water Quality Plan in Palm Beach County, Florida,

**WHEREAS**, the STA 1W Expansion #1 Project will receive benefits from Gladeview Drainage District's water management system,

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:**

**Section 1.**

The Governing Board of the South Florida Water Management District hereby authorizes the Executive Director or his designee to send a letter to the Gladeview Water Control District expressing the intent to pay Gladeview Water Control District's yearly costs associated with managing water from the STA 1W Expansion #1 project, subject to the limitations of applicable Florida law and subject to the availability of future fiscal year funding, including Governing Board approval of future fiscal year budgets.

**Section 2.**

This Resolution shall take effect immediately upon adoption.

**PASSED and ADOPTED** this 10<sup>th</sup> day of December, 2015.

SOUTH FLORIDA WATER MANAGEMENT  
DISTRICT, BY ITS GOVERNING BOARD  
By:

\_\_\_\_\_  
Chairman

Attest:

Legal form approved:

By:

\_\_\_\_\_  
District Clerk/Secretary

\_\_\_\_\_  
Office of Counsel

Print name:

**MEMORANDUM**

**TO:** Governing Board Members

**FROM:** Terrie Bates, Director, Water Resources Division

**DATE:** December 10, 2015

**SUBJECT:** 2016 Upper East Coast Water Supply Plan Update Status

**Summary**

This presentation will provide an overview of the Draft 2016 Upper East Coast (UEC) Water Supply Plan Update. Regional water supply plans are required to be updated at least every five years pursuant Chapter 373, Florida Statutes (F.S.). The purpose of the water supply plan is to identify sustainable water supply for all water uses while protecting water resources and related natural systems. The current water supply plan for the UEC Planning Region, which includes all of St. Lucie and Martin counties and the NE portion of Okeechobee County, was approved in March 2011. The development of the 5-year update is nearing completion. The Draft 2016 UEC Water Supply Plan Update was released for public review in late November, and is currently scheduled for Governing Board consideration of the final plan in March 2016.

**Staff Contact and/or Presenter**

Mark Elsner, [melsner@sfwmd.gov](mailto:melsner@sfwmd.gov), (561) 682-6156

**M E M O R A N D U M**

**TO:** Governing Board Members

**FROM:** Doug Bergstrom, Director, Administrative Services Division

**DATE:** December 10, 2015

**SUBJECT:** FY 2015-2016 Reserves Discussion

Staff has undertaken a careful review of the FY2015/16 adopted reserve spend down plan. After considerable review and discussion, staff recommends the amendments in the table on page 2 of this memo for reserves without restrictions that would free up \$27.1 million for future discussion and allocation.

With a focus on using reserves for projects, in the November budget workshop staff recommended the following considerations for utilizing reserves:

- Maintain hurricane/emergency reserves to ensure emergency response resources
- Allocate reserves to current ready to go project needs, including operating costs, over the next several years:
  - Restoration Strategies consent order driven projects
  - Currently ongoing restoration projects such as C44, C43, Lakeside, Picayune
  - Current Federal cost share projects-Kissimmee and C-111 South Dade projects

Additionally, staff is working with DEP on modifications to cost eligibility criteria for use of state funds that could result in additional savings of several million dollars.

We propose to agenda an item at a future Governing Board meeting to discuss Board priorities for allocation of these funds.

FY 15/16 Adopted Reserve Spend Down

Staff  
Recommended  
Amendments

Reserves without Restrictions	\$205.0	27.1
Restoration Strategies	\$105.9	
Budget Stabilization	\$15.6	10.0
Lakeside Ranch STA Ph.2	\$9.9	
Lake Hicpochee Hydrologic Enhancement	\$9.9	
Cooperative/Local Agreements	\$9.0	9.0
O&M Additional Costs	\$7.3	
Ten Mile Creek	\$7.2	
C-44 Reservoir/STA	\$5.0	
Performance Merit Bonus	\$4.7	
Kissimmee Land Acquisition/Construction Payments	\$4.0	
Central Florida Watershed Initiative	\$3.1	
O&M 2.0	\$2.8	2.8
Tax Collector & Property Appraiser Fees	\$2.7	
ASR Start-up & Design	\$2.5	1.5
Southern CREW	\$2.3	
C-43 West Storage Reservoir	\$2.2	
O&M Capital Engineering & Design	\$2.0	2.0
C-111 South Dade Federal Project	\$1.5	
Picayune Strand	\$1.0	
Fleet	\$1.0	
Lake Okeechobee Watershed Planning	\$1.0	1.0
Pump station maintenance	\$0.8	
Source Control	\$0.8	0.5
C-43 WQ Testing Facility (BOMA)	\$0.6	
IRL NEP Council * (for project purposes only)	\$0.5	
C-37 Dredge Site Cleanup	\$0.4	
S-9 Bridge Cost Share Project	\$0.3	
New Works Start-up Equipment	\$0.3	
Land Surplus Associated Costs	\$0.2	
Lake Kissimmee Littoral Topography Map	\$0.2	0.2
Caloosahatchee Watershed	\$0.1	
Lygodium tree island surveys - WCA-3	\$0.1	
Other	\$0.3	0.1



## FY 15/16 Adopted Reserve Spend Down

Staff  
Recommended  
Amendments

Reserves without Restrictions	\$205.0	27.1
Restoration Strategies	\$105.9	
Budget Stabilization	\$15.6	10.0
Lakeside Ranch STA Ph.2	\$9.9	
Lake Hicpochee Hydrologic Enhancement	\$9.9	
Cooperative/Local Agreements	\$9.0	9.0
O&M Additional Costs	\$7.3	
Ten Mile Creek	\$7.2	
C-44 Reservoir/STA	\$5.0	
Performance Merit Bonus	\$4.7	
Kissimmee Land Acquisition/Construction Payments	\$4.0	
Central Florida Watershed Initiative	\$3.1	
O&M 2.0	\$2.8	2.8
Tax Collector & Property Appraiser Fees	\$2.7	
ASR Start-up & Design	\$2.5	1.5
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C-111 South Dade Federal Project	\$1.5	
Picayune Strand	\$1.0	
Fleet	\$1.0	
Lake Okeechobee Watershed Planning	\$1.0	1.0
Pump station maintenance	\$0.8	
Source Control	\$0.8	0.5
C-43 WQ Testing Facility (BOMA)	\$0.6	
IRL NEP Council * (for project purposes only)	\$0.5	
C-37 Dredge Site Cleanup	\$0.4	
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New Works Start-up Equipment	\$0.3	
Land Surplus Associated Costs	\$0.2	
Lake Kissimmee Littoral Topography Map	\$0.2	0.2
Caloosahatchee Watershed	\$0.1	
Lygodium tree island surveys - WCA-3	\$0.1	
Other	\$0.3	0.1

## MEMORANDUM

**TO:** Governing Board Members

**FROM:** Ben Ward, Director, Real Estate Division

**DATE:** December 10, 2015

**SUBJECT:** Approve final purchase offer for acquisition and authorize eminent domain, 690.25 acres +/-

**Summary:**

Tract No. 18200-010, owned by Bronsons, LLP, a Florida limited liability partnership, comprises a total of 690.25 acres located within the District's Kissimmee River Restoration and Headwaters Revitalization Project. The appraised value of the Tract is \$2,761,000. District staff is requesting authority to make a written offer at the appraised value of \$2,761,000. If the landowner fails to accept, approval of the Governing Board item will also grant authority to file an eminent domain action.

**Core Mission and Strategic Priorities:**

The Project, which includes measures to reestablish the historic river channel and floodplain, will cause the water levels in the restored river and the upper chain of lakes to fluctuate in a manner that may impact certain lands including the subject lands. Acquisition of Tract No. 18200-010, comprising 690.25 acres, is a necessary part of the Project in Osceola County.

**Funding Source:**

The purchase offer of \$2,761,000 is based on a District approved appraisal dated August 6, 2015. Should the owner not accept the offer, the District will initiate eminent domain proceedings. The final eminent domain settlement cost for the subject land is unknown at this time. All costs are to be funded through dedicated (Land Acquisition Trust Fund) funds.

**Staff Contact and/or Presenter:**

Ray Palmer, ext. 2246

## SOUTH FLORIDA WATER MANAGEMENT DISTRICT

### Resolution No. 2015 - 1213

**A Resolution of the Governing Board of the South Florida Water Management District authorizing a final purchase offer of \$2,761,000 and eminent domain proceedings for the acquisition of certain land interests, consisting of 690.25 acres, more or less, in Osceola County, Florida, which are part of the Kissimmee River Restoration and Headwaters Revitalization Project for which dedicated (Land Acquisition Trust Fund) funds are budgeted; providing an effective date.**

**WHEREAS**, the Florida Legislature has declared in Section 373.1501(3), Florida Statutes, that the Kissimmee River Restoration and Headwaters Revitalization Project (hereinafter "Project") is in the public interest, for a public purpose, and therefore necessary for the public health and welfare; and

**WHEREAS**, the Project is defined in Section 373.1501(1)(d), Florida Statutes, in relevant part, as the project identified in the Project Cooperation Agreement between the United States Department of the Army and the South Florida Water Management District (hereinafter "District") dated March 22, 1994; and

**WHEREAS**, the primary objectives of the Project are: (1) to reestablish the structure and function of the historic, pre-channelized river channel and floodplain; (2) to reestablish the historic flows to the restored river channel and floodplain; and, (3) the modification of water levels throughout the river system to provide both greater and more natural fluctuations in the upper basin lakes. Flows into the Kissimmee River from the upper basin lakes will further reestablish the natural Kissimmee River floodplain; and

**WHEREAS**, the implementation of the Project and the reestablishment of the historic river channel and floodplain will cause the water levels in the restored river and the upper Chain of Lakes (Headwaters) to fluctuate impacting properties cited in this Resolution; and

**WHEREAS**, the acquisition of lands between 52.5 and 54 feet NGVD 1929 is necessary because this area will be affected by the fluctuation in water levels; and

**WHEREAS**, Florida Legislature has determined in Section 373.1501(3), Florida Statutes, that the acquisition of real property interests for the objective of implementing the Project is necessary and constitutes a public purpose for which public funds may be expended; and

**WHEREAS**, the Florida Legislature in Section 373.1501(3), Florida Statutes, has empowered and authorized the Governing Board of the South Florida Water Management District to acquire interests in lands by eminent domain for the purpose of implementing and maintaining the Project; and

**WHEREAS**, the Florida Legislature in Section 373.1501(3), Florida Statutes, directs the District, in the absence of a willing seller, to acquire any land interests necessary for the implementation for the Project in accordance with state condemnation law pursuant to Chapters 73 and 74, Florida Statutes.

**NOW THEREFORE, BE IT RESOLVED** by the Governing Board of the South Florida Water Management District that the acquisition by the District of the following land interests, in the area of Kissimmee River Restoration and Headwaters Revitalization Project, in Osceola County, Florida, consisting of 690.25 acres, more or less, as shown on the map attached hereto as Exhibit "AA" and as more particularly described on attached Exhibit "A", hereinafter referred to as the "Parcel", with respect to

which the District will seek to acquire fee simple title from the owner of the said land interests (the "OWNER"), is found by the Governing Board of the District to be necessary to complete the Kissimmee River Restoration and Headwaters Revitalization Project and is in the public interest and for a public purpose:

The Parcel is referred to as SFWMD Tract No. 18200-010 and consists of a total of 690.25 acres, more or less, lying in Osceola County, Florida. In accordance with Section 73.015, Florida Statutes, the Governing Board of the South Florida Water Management District hereby authorizes and directs staff to make a final written offer of \$2,761,000, to voluntarily purchase land interests containing a total of 690.25 acres, more or less, for the Kissimmee River Restoration and Headwaters Revitalization Project, as stated below, together with associated costs, as follows:

Tract No.	Owner	Easement Acres	Appraised Value	Final Purchase Offer
18200-010	Bronsons, LLP, a Florida limited liability partnership	690.25	\$2,761,000	\$2,761,000

**Budgeted:**

Dollars	Fund	Fund Center	Functional Area	Commitment Item GL Account
\$2,761,000	425000	3510144000	FD01	580020 Grant 2011

**BE IT FURTHER RESOLVED** that the Governing Board of the South Florida Water Management District hereby approve the purchase of land interests, containing 690.25 acres, more or less, for the Kissimmee River Restoration and Headwaters Revitalization Project, in Osceola County, in an amount not to exceed \$2,761,000, together with associated costs, upon acceptance of the above-referenced offer.

**BE IT FURTHER RESOLVED** that the Governing Board of the South Florida Water Management District hereby authorizes the Chair to execute an Agreement for Sale and Purchase upon acceptance of the above referenced final purchase offer.

**BE IT FURTHER RESOLVED** that the Governing Board of the South Florida Water Management District hereby approves utilization of dedicated (Land Acquisition Trust Fund) funds.

**BE IT FURTHER RESOLVED** by the Governing Board of the South Florida Water Management District that upon rejection of the final purchase offer of \$2,761,000 referenced above, a Legal Officer of the District is hereby authorized, instructed, and directed to acquire land interests by eminent domain, to institute or cause to be instituted eminent domain proceedings as may be necessary pursuant to Chapters 73 and 74, Florida Statutes, to avail the District of all eminent domain powers and procedures authorized by Florida Statute, and by rule of court, and to accomplish the acquisition described herein, including the authority to negotiate the acquisition of the described property subject to the approval of the Governing Board. This Resolution shall take effect immediately upon adoption.

**PASSED** and **ADOPTED** this 10<sup>th</sup> day of December, 2015.

SOUTH FLORIDA WATER MANAGEMENT  
DISTRICT, BY ITS GOVERNING BOARD  
By:

\_\_\_\_\_  
Chairman

Attest:

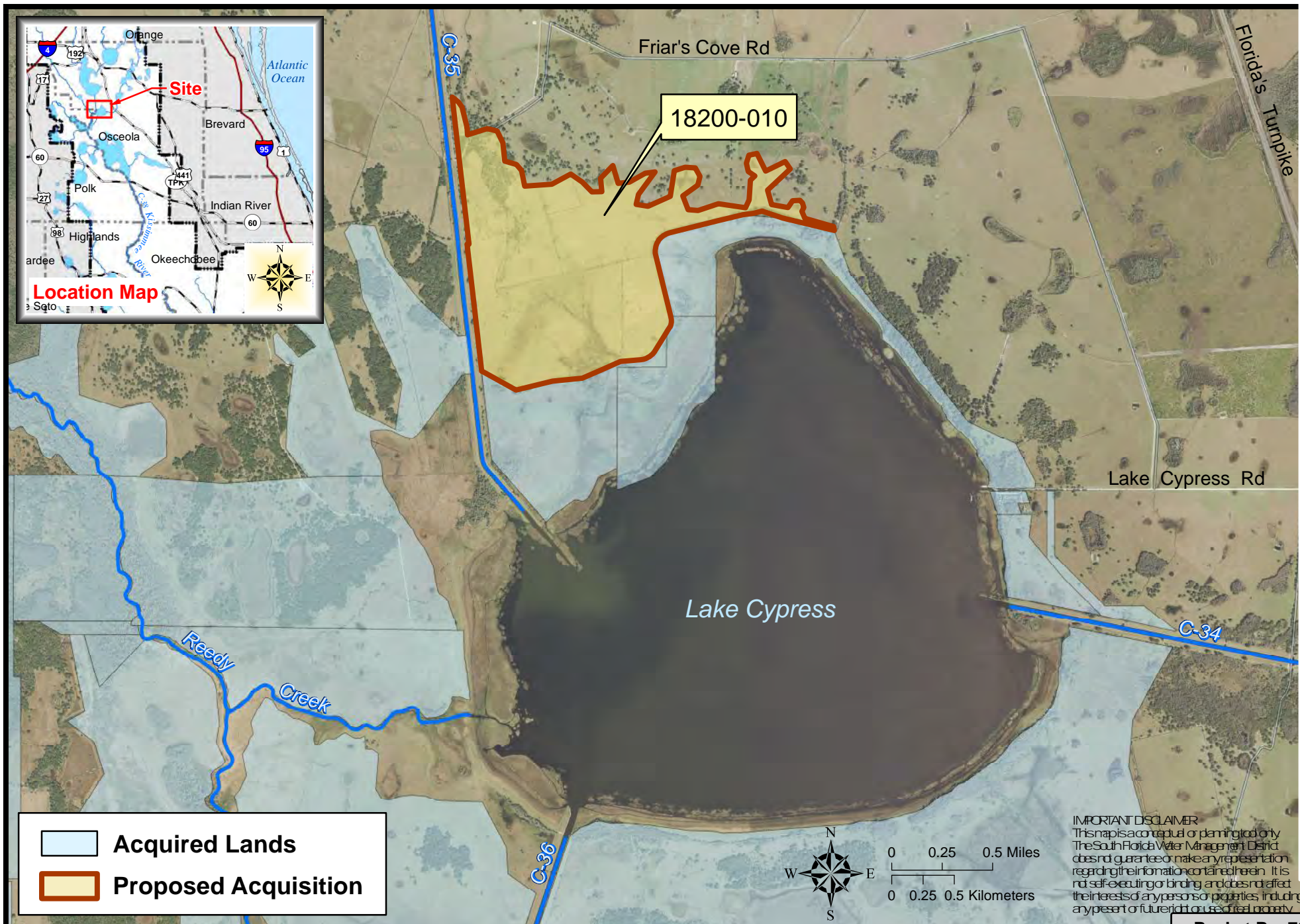
\_\_\_\_\_  
District Clerk/Secretary

Legal form approved:  
By:

\_\_\_\_\_  
Office of Counsel

Print name:

## Kissimmee River Restoration and Headwaters Revitalization Project





*EXHIBIT "A"*  
*BRONSONS*  
*TRACT No. 18200-010*

A parcel of land in Sections 28, 29, 30, 31 and 32, Township 27 South, Range 30 East, Osceola County, Florida, being specifically described as follows:

Commence at a 4" x 4" concrete monument, with no identification, marking the East quarter corner of Section 19, Township 27 South, Range 30 East; thence South 00°00'35" West along the East line of the Southeast quarter of said Section 19, a distance of 2647.76 feet to a 2" iron pipe, with no identification, marking the Northeast corner of said Section 30; thence South 60°36'04" West, a distance of 2251.72 feet to an iron rod with cap stamped "SFWMD" and the POINT OF BEGINNING.

thence South 34°38'32" East, a distance of 156.60 feet to an iron rod with cap stamped "SFWMD";  
thence South 13°59'52" East, a distance of 552.49 feet to an iron rod with cap stamped "SFWMD";  
thence South 03°47'09" East, a distance of 192.36 feet to an iron rod with cap stamped "SFWMD";  
thence North 72°10'24" East, a distance of 534.21 feet to an iron pipe with aluminum disk stamped "LB 364";  
thence South 76°33'14" East, a distance of 274.68 feet to an iron rod with cap stamped "SFWMD";  
thence South 26°02'21" East, a distance of 343.24 feet to an iron rod with cap stamped "SFWMD";  
thence South 06°05'59" East, a distance of 482.97 feet to an iron rod with cap stamped "SFWMD";  
thence South 73°59'05" East, a distance of 317.97 feet to an iron rod with cap stamped "SFWMD";  
thence South 40°02'20" East, a distance of 207.78 feet to an iron rod with cap stamped "SFWMD";  
thence South 11°06'44" East, a distance of 414.59 feet to an iron rod with cap stamped "SFWMD";  
thence North 86°22'05" East, a distance of 716.08 feet to an iron rod with cap stamped "SFWMD";  
thence North 61°22'29" East, a distance of 558.36 feet to an iron rod with cap stamped "SFWMD";  
thence South 55°38'30" East, a distance of 371.86 feet to an iron rod with cap stamped "SFWMD";  
thence South 44°40'18" East, a distance of 354.99 feet to an iron rod with cap stamped "SFWMD";  
thence North 89°31'35" East, a distance of 262.90 feet to an iron rod with cap stamped "SFWMD";  
thence North 05°20'29" West, a distance of 354.08 feet to an iron rod with cap stamped "SFWMD";  
thence North 43°47'08" East, a distance of 461.75 feet to an iron rod with cap stamped "SFWMD";  
thence South 16°19'30" East, a distance of 490.51 feet to an iron rod with cap stamped "SFWMD";  
thence North 82°54'44" East, a distance of 300.81 feet to an iron rod with cap stamped "SFWMD";  
thence North 60°42'24" East, a distance of 475.08 feet to an iron rod with cap stamped "SFWMD";  
thence North 82°27'59" East, a distance of 258.78 feet to an iron rod with cap stamped "SFWMD";  
thence South 36°21'22" West, a distance of 735.35 feet to an iron rod with cap stamped "SFWMD";  
thence South 13°14'56" West, a distance of 267.07 feet to an iron rod with cap stamped "SFWMD";  
thence South 81°21'18" East, a distance of 315.99 feet to an iron rod with cap stamped "SFWMD";  
thence North 65°53'27" East, a distance of 638.23 feet to an iron rod with cap stamped "SFWMD";  
thence North 09°15'57" East, a distance of 677.93 feet to an iron rod with cap stamped "SFWMD";  
thence North 71°42'14" East, a distance of 295.55 feet to an iron rod with cap stamped "SFWMD";  
thence South 85°42'40" East, a distance of 267.02 feet to an iron rod with cap stamped "SFWMD";  
thence South 29°26'01" East, a distance of 254.88 feet to an iron rod with cap stamped "SFWMD";  
thence South 14°23'58" West, a distance of 235.48 feet to an iron rod with cap stamped "SFWMD";  
thence South 54°20'29" West, a distance of 486.17 feet to an iron rod with cap stamped "SFWMD";  
thence South 21°16'51" East, a distance of 388.61 feet to an iron rod with cap stamped "SFWMD";  
thence South 86°17'40" East, a distance of 261.33 feet to an iron rod with cap stamped "SFWMD";  
thence North 71°55'26" East, a distance of 558.44 feet to an iron rod with cap stamped "SFWMD";  
thence South 81°51'48" East, a distance of 722.14 feet to an iron rod with cap stamped "SFWMD";

*DESCRIPTION SKETCH*

SECTIONS 28,29,30,31 & 32

TOWNSHIP 27 SOUTH

RANGE 30 EAST

OSCEOLA COUNTY

NOT VALID WITHOUT  
THE SIGNATURE AND  
THE ORIGINAL RAISED  
SEAL OF A FLORIDA  
LICENSED SURVEYOR  
AND MAPPER.

GREGORY A. PRATHER, P.S.M.  
FLORIDA REGISTRATION No. 5135  
PICKETT AND ASSOCIATES, INC.  
FLORIDA REGISTRATION No. LB 364



**PICKETT**  
SURVEYING & PHOTOGRAMMETRY  
PICKETT & ASSOCIATES, INC. LICENSED BUSINESS No. LB364

475 SOUTH FIRST AVENUE  
BARTOW, FLORIDA 33830  
PHONE: (863)-533-9095  
FAX: (863)-534-1464

SOUTH FLORIDA WATER MANAGEMENT DISTRICT  
LAND ACQUISITION DEPARTMENT



P.O. BOX 24680  
3301 GUN CLUB ROAD  
WEST PALM BEACH, FLORIDA 33416-4680



*BRONSONS*  
*TRACT No. 18200-010*

SAK	GAP	04/14/10	REVISED TITLE BLOCK	DRAWN	CHECKED	DATE	SCALE	DRAWING NUMBER	SHEET
SAK	GAP	03/12/10	REVISED LEGAL & SKETCH	SAK	GAP	08MAR10	AS SHOWN	SD 28	
DRAWN	CHECKED	DATE	REVISIONS						

Packet Pg. 79

P&A JOB # 10042

thence North 24°18'28" East, a distance of 226.73 feet to an iron rod with cap stamped "SFWMD";  
 thence North 03°26'52" East, a distance of 512.27 feet to an iron rod with cap stamped "SFWMD";  
 thence North 45°44'48" East, a distance of 164.99 feet to an iron rod with cap stamped "SFWMD";  
 thence North 56°35'30" West, a distance of 207.79 feet to an iron rod with cap stamped "SFWMD";  
 thence North 11°41'43" West, a distance of 224.97 feet to an iron rod with cap stamped "SFWMD";  
 thence North 17°10'56" East, a distance of 217.40 feet to an iron rod with cap stamped "SFWMD";  
 thence North 77°34'34" East, a distance of 215.68 feet to an iron rod with cap stamped "SFWMD";  
 thence South 26°06'00" East, a distance of 515.21 feet to an iron rod with cap stamped "SFWMD";  
 thence North 63°39'29" East, a distance of 569.73 feet to an iron rod with cap stamped "SFWMD";  
 thence South 34°27'46" East, a distance of 238.24 feet to an iron rod with cap stamped "SFWMD";  
 thence South 47°00'43" West, a distance of 813.31 feet to an iron rod with cap stamped "SFWMD";  
 thence South 16°00'35" East, a distance of 395.58 feet to an iron rod with cap stamped "SFWMD";  
 thence South 79°32'28" East, a distance of 434.46 feet to an iron rod with cap stamped "SFWMD";  
 thence North 33°41'59" East, a distance of 215.72 feet to an iron rod with cap stamped "SFWMD";  
 thence North 87°24'49" East, a distance of 193.48 feet to an iron rod with cap stamped "SFWMD";  
 thence South 43°50'34" East, a distance of 95.45 feet to an iron rod with cap stamped "SFWMD";  
 thence South 15°49'16" East, a distance of 120.20 feet to an iron rod with cap stamped "SFWMD";  
 thence South 24°49'24" West, a distance of 114.38 feet to an iron rod with cap stamped "SFWMD";  
 thence South 23°58'09" East, a distance of 195.36 feet to an iron pipe with aluminum disk stamped "LB 364";  
 thence South 73°43'58" East, a distance of 785.83 feet to an iron pipe with aluminum disk stamped "LB 364";  
 thence South 09°06'03" East, a distance of 100.00 feet to an iron pipe with aluminum disk stamped "LB 364"  
 and a point on Acquisition Line "C" as described in Official Record Book 1200, page 242, in the public records of Osceola County, Florida;  
 thence North 76°29'51" West, a distance of 1411.26 feet to an iron pipe with aluminum disk stamped "LB 364"  
 and the Point of Terminus of said Acquisition Line "C", said Point of Terminus also being a point of intersection with the approximate 54-foot National Geodetic Vertical Datum of 1929 (NGVD29) contour line on the southerly face of Bronson's Dike running through Sections 28, 29, 31 and 32, as called for in Official Record Book 1200, Page 270, in the public records of Osceola County, Florida; thence along said approximate 54-foot contour line, the following nineteen (19) courses:

1. thence North 71°16'43" West, a distance of 419.25 feet to an iron pipe with aluminum disk stamped "LB 364" and the beginning of a curve being concave south and having a radius of 476.00 feet;
2. thence westerly along said curve to the left through a central angle of 32°37'05", an arc distance of 270.98 feet (Chord = 267.34 feet, Chord Bearing = North 87°35'16" West) to an iron pipe with aluminum disk stamped "LB 364";
3. thence South 76°06'12" West, a distance of 2367.34 feet to an iron pipe with aluminum disk stamped "LB 364" and the beginning of a curve being concave southeast and having a radius of 450.00 feet;
4. thence southwesterly and southerly along said curve to the left through a central angle of 90°42'28", an arc distance of 712.42 feet (Chord = 640.32 feet, Chord Bearing = South 30°44'58" West) to an iron pipe with aluminum disk stamped "LB 364";
5. thence South 14°36'17" East, a distance of 1633.40 feet to an iron pipe with aluminum disk stamped "LB 364" and the beginning of a curve being concave west and having a radius of 400.00 feet;
6. thence southerly along said curve to the right through a central angle of 48°12'20", an arc distance of 336.54 feet (Chord = 326.70 feet, Chord Bearing = South 09°29'54" West) to an iron pipe with aluminum disk stamped "LB 364";

## DESCRIPTION SKETCH

SECTIONS 28,29,30,31 & 32

TOWNSHIP 27 SOUTH

RANGE 30 EAST

OSCEOLA COUNTY

SEE PAGE 1 OF  
FOR SURVEYOR'S  
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475 SOUTH FIRST AVENUE  
BARTOW, FLORIDA 33830  
PHONE: (863)-533-9095  
FAX: (863)-534-1464

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT**  
**LAND ACQUISITION DEPARTMENT**  
 P.O. BOX 24680  
 3301 GUN CLUB ROAD  
 WEST PALM BEACH, FLORIDA 33416-4680



**BRONSONS**  
**TRACT No. 18200-010**

SAK	GAP	04/14/10	REVISED TITLE BLOCK	DRAWN	CHECKED	DATE	SCALE	DRAWING NUMBER	SHEET
SAK	GAP	03/12/10	REVISED LEGAL & SKETCH	SAK	GAP	08MAR10	AS SHOWN	SD 28	
DRAWN	CHECKED	DATE	REVISIONS						

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P&A JOB # 10042

7. thence South 33°36'04" West, a distance of 856.02 feet to an iron pipe with aluminum disk stamped "LB 364" and the beginning of a curve being concave northwest and having a radius of 339.05 feet;
  8. thence southwesterly along said curve to the right through a central angle of 51°12'58", an arc distance of 303.07 feet (Chord = 293.08 feet, Chord Bearing = South 59°12'33" West) to an iron pipe with aluminum disk stamped "LB 364";
  9. thence South 84°49'02" West, a distance of 604.00 feet to an iron pipe with aluminum disk stamped "LB 364" and the beginning of a curve being concave southeast and having a radius of 364.85 feet;
  10. thence southwesterly along said curve to the left through a central angle of 18°19'05", an arc distance of 116.65 feet (Chord = 116.15 feet, Chord Bearing = South 75°39'30" West) to an iron pipe with aluminum disk stamped "LB 364";
  11. thence South 66°29'58" West, a distance of 540.83 feet to an iron pipe with aluminum disk stamped "LB 364";
  12. thence South 61°02'05" West, a distance of 378.85 feet to an iron pipe with aluminum disk stamped "LB 364" and the beginning of a curve being concave northwest and having a radius of 150.95 feet;
  13. thence southwesterly along said curve to the right through a central angle of 24°09'48", an arc distance of 63.66 feet (Chord = 63.19 feet, Chord Bearing = South 73°06'59" West) to an iron pipe with aluminum disk stamped "LB 364";
  14. thence South 85°11'53" West, a distance of 745.68 feet to an iron pipe with aluminum disk stamped "LB 364" and the beginning of a curve being concave southeast and having a radius of 1914.25 feet;
  15. thence southwesterly along said curve to the left through a central angle of 09°59'22", an arc distance of 333.75 feet (Chord = 333.32 feet, Chord Bearing = South 80°12'12" West) to an iron pipe with aluminum disk stamped "LB 364";
  16. thence South 75°12'31" West, a distance of 562.80 feet to an iron pipe with aluminum disk stamped "LB 364" and the beginning of a curve being concave north and having a radius of 259.75 feet;
  17. thence westerly along said curve to the right through a central angle of 43°10'41", an arc distance of 195.75 feet (Chord = 191.15 feet, Chord Bearing = North 83°12'09" West) to an iron pipe with aluminum disk stamped "LB 364";
  18. thence North 61°36'48" West, a distance of 806.40 feet to an iron pipe with aluminum disk stamped "LB 364";
  19. thence North 80°02'59" West, a distance of 91.42 feet to an iron pipe with aluminum disk stamped "LB 364" and a point of intersection with the East right of way line of South Florida Water Management District's Canal 35 as recorded in Official Record Book 91, Page 48, public records of Osceola County, Florida;
- thence North 06°32'30" West, along said east right of way line, a distance of 3412.57 feet to an iron pipe with aluminum disk stamped "LB 364" and a point on the North line of the South 500 feet of said Section 30; thence North 89°46'36" East, along said North line, and continuing along said east right of way line, a distance of 50.31 feet to an iron pipe with aluminum disk stamped "LB 364"; thence North 06°32'30" West, continuing along said east right of way line, a distance of 3882.27 feet to an iron rod with disk stamped "SFWMD"; thence South 51°29'16" East, departing said east right of way, a distance of 215.62 feet to an iron rod with cap stamped "SFWMD" and the POINT OF BEGINNING.

The above-described parcel of land contains 690.25 acres, more or less.

## DESCRIPTION SKETCH

SECTIONS 28,29,30,31 & 32

TOWNSHIP 27 SOUTH

RANGE 30 EAST

OSCEOLA COUNTY

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**PICKETT**  
SURVEYING & PHOTOGRAMMETRY  
PICKETT & ASSOCIATES, INC. LICENSED BUSINESS NO. LB364

475 SOUTH FIRST AVENUE  
BARTOW, FLORIDA 33830  
PHONE: (863)-533-9095  
FAX: (863)-534-1464



**SOUTH FLORIDA WATER MANAGEMENT DISTRICT**  
**LAND ACQUISITION DEPARTMENT**  
P.O. BOX 24680  
3301 GUN CLUB ROAD  
WEST PALM BEACH, FLORIDA 33416-4680

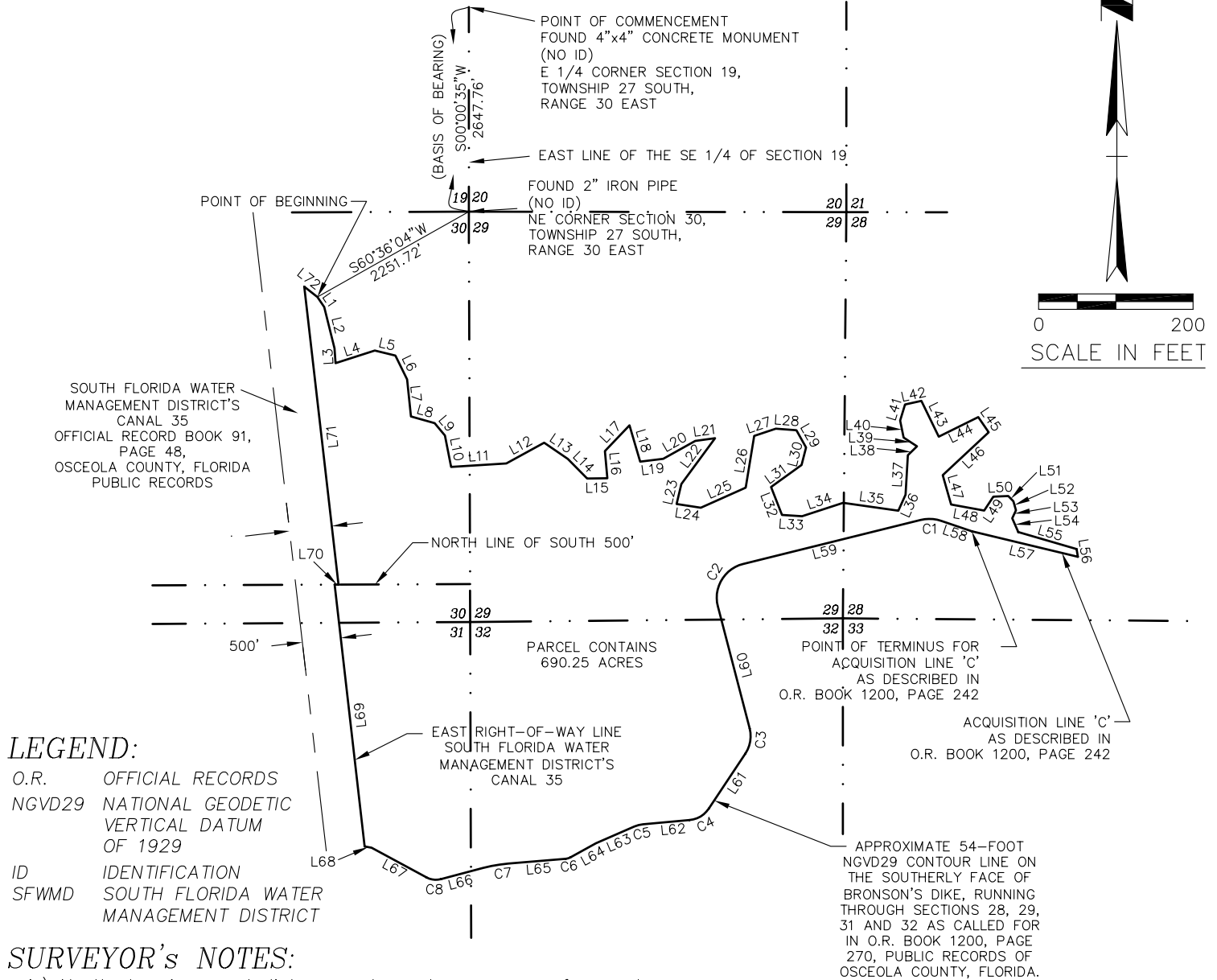


**BRONSONS**  
**TRACT No. 18200-010**

SAK	GAP	04/14/10	REVISED TITLE BLOCK	DRAWN	CHECKED	DATE	SCALE	DRAWING NUMBER	SHEET
SAK	GAP	03/12/10	REVISED LEGAL & SKETCH	SAK	GAP	08MAR10	AS SHOWN	SD 28	
DRAWN	CHECKED	DATE	REVISIONS						

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P&A JOB # 10042



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BARTOW, FLORIDA 33830  
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SOUTH FLORIDA WATER MANAGEMENT DISTRICT  
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BRONSONS  
TRACT No. 18200-010

SAK	GAP	04/14/10	REVISED TITLE BLOCK
SAK	GAP	03/12/10	REVISED LEGAL & SKETCH
DRAWN	CHECKED	DATE	REVISIONS

DRAWN	CHECKED	DATE	SCALE	DRAWING NUMBER	SHEET
SAK	GAP	08MAR10	AS SHOWN	SD 28	

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P&A JOB # 10042



LINE TABLE		
LINE	BEARING	LENGTH
L1	S34°38'32"E	156.60
L2	S13°59'52"E	552.49
L3	S03°47'09"E	192.36
L4	N72°10'24"E	534.21
L5	S76°33'14"E	274.68
L6	S26°02'21"E	343.24
L7	S06°05'59"E	482.97
L8	S73°59'05"E	317.97
L9	S40°02'20"E	207.78
L10	S11°06'44"E	414.59
L11	N86°22'05"E	716.08
L12	N61°22'29"E	558.36
L13	S55°38'30"E	371.86
L14	S44°40'18"E	354.99
L15	N89°31'35"E	262.90
L16	N05°20'29"W	354.08
L17	N43°47'08"E	461.75
L18	S16°19'30"E	490.51
L19	N82°54'44"E	300.81
L20	N60°42'24"E	475.08
L21	N82°27'59"E	258.78
L22	S36°21'22"W	735.35
L23	S13°14'56"W	267.07
L24	S81°21'18"E	315.99
L25	N65°53'27"E	638.23
L26	N09°15'57"E	677.93
L27	N71°42'14"E	295.55
L28	S85°42'40"E	267.02
L29	S29°26'01"E	254.88
L30	S14°23'58"W	235.48
L31	S54°20'29"W	486.17
L32	S21°16'51"E	388.61
L33	S86°17'40"E	261.33
L34	N71°55'26"E	558.44
L35	S81°51'48"E	722.14
L36	N24°18'28"E	226.73

LINE TABLE		
LINE	BEARING	LENGTH
L37	N03°26'52"E	512.27
L38	N45°44'48"E	164.99
L39	N56°35'30"W	207.79
L40	N11°41'43"W	224.97
L41	N17°10'56"E	217.40
L42	N77°34'34"E	215.68
L43	S26°06'00"E	515.21
L44	N63°39'29"E	569.73
L45	S34°27'46"E	238.24
L46	S47°00'43"W	813.31
L47	S16°00'35"E	395.58
L48	S79°32'28"E	434.46
L49	N33°41'59"E	215.72
L50	N87°24'49"E	193.48
L51	S43°50'34"E	95.45
L52	S15°49'16"E	120.20
L53	S24°49'24"W	114.38
L54	S23°58'09"E	195.36
L55	S73°43'58"E	785.83
L56	S09°06'03"E	100.00
L57	N76°29'51"W	1411.26
L58	N71°16'43"W	419.25
L59	S76°06'12"W	2367.34
L60	S14°36'17"E	1633.40
L61	S33°36'04"W	856.02
L62	S84°49'02"W	604.00
L63	S66°29'58"W	540.83
L64	S61°02'05"W	378.85
L65	S85°11'53"W	745.68
L66	S75°12'31"W	562.80
L67	N61°36'48"W	806.40
L68	N80°02'59"W	91.42
L69	N06°32'30"W	3412.57
L70	N89°46'36"E	50.31
L71	N06°32'30"W	3882.27
L72	S51°29'16"E	215.62

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	CHORD	CHORD BEARING	TANGENT
C1	270.98	476.00	32°37'05"	267.34	N87°35'16"W	139.27
C2	712.42	450.00	90°42'28"	640.32	S30°44'58"W	455.59
C3	336.54	400.00	48°12'20"	326.70	S09°29'54"W	178.95
C4	303.07	339.05	51°12'58"	293.08	S59°12'33"W	162.50
C5	116.65	364.85	18°19'05"	116.15	S75°39'30"W	58.82
C6	63.66	150.95	24°09'48"	63.19	S73°06'59"W	32.31
C7	333.75	1914.25	9°59'22"	333.32	S80°12'12"W	167.30
C8	195.75	259.75	43°10'41"	191.15	N83°12'09"W	102.79

### DESCRIPTION SKETCH

SECTIONS 28,29,30,31 & 32

TOWNSHIP 27 SOUTH

RANGE 30 EAST

OSCEOLA COUNTY

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**BRONSONS**  
**TRACT No. 18200-010**

SAK	GAP	04/14/10	REVISED TITLE BLOCK
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DRAWN	CHECKED	DATE	REVISIONS

DRAWN	CHECKED	DATE	SCALE	DRAWING NUMBER	SHEET
SAK	GAP	08MAR10	AS SHOWN	SD 28	

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P&A JOB # 10042

Attachment: 2015\_12GB\_PurchaseOfferBronsonsA (Resolution No. 2015 - 1213 : Approve final purchase offer for acquisition and authorize

## MEMORANDUM

**TO:** Governing Board Members

**FROM:** Jeff Kivett, Division Director

**DATE:** December 10, 2015

**SUBJECT:** SCADA System Software

### Summary

The District's core Supervisory Control and Data Acquisition (SCADA) System software, Telvent OASyS DNA 7.4, is no longer supported and must be replaced. Replacement will include new software, modernized control strategies, operator interfaces, and functionality to support the growing demands and requirements of the agency. The selection of the new SCADA System software was based on a two-step process. The first step was a Request for Qualifications (RFQ) for the next generation SCADA System Software that shortlisted respondents. The second step was a Request for Proposals based on the SCADA System Software presented in the shortlisted respondents responses to the RFQ combined with commercial off-the-shelf (COTS) technologies and industry best practices to meet the requirements and performance targets defined by the District. There were two qualified respondents to the RFP: Emerson Process Management Power & Water Solutions (Ranked #1), Inc. and Schneider Electric, USA (Ranked #2).

### Additional Background

The SCADA Software System is the suite of software applications and computer hardware that collects and manages data, and provides the water managers the interface required to operate the District's water management system from District headquarters to meet its core mission of flood protection, water supply, ecosystem protection, and restoration.

### Core Mission and Strategic Priorities

A robust and reliable SCADA System is critical to providing the District with the data and level of control necessary to meet the core mission and maintain regulatory compliance.

### Funding Source

Total cost of ownership of the SCADA System Software for a ten (10) year period is not to exceed \$5,000,000 of which \$1,500,000 are budgeted in FY16 and the remainder subject to Governing Board approval of the FY17 - FY 25 budgets.

### Staff Contact and/or Presenter

Greg Cantelo, Bureau Chief, Infrastructure Management  
561-682-2620 / [gcantelo@sfwmd.gov](mailto:gcantelo@sfwmd.gov)



## SOUTH FLORIDA WATER MANAGEMENT DISTRICT

### Resolution No. 2015 - 1214

**A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a Contract with Emerson Process Management Power & Water Solutions, Inc., subject to successful negotiations, for the purchase, implementation, and maintenance of Supervisory Control and Data Acquisition (SCADA) Software, in an amount not to exceed \$5 million, for which \$1.5 million in funds are budgeted in FY16 and the remainder subject to Governing Board approval of the FY17 - FY25 budgets; providing that, if negotiations are unsuccessful with Emerson Process Management Power & Water Solutions, Inc., the District will proceed with negotiations in ranked order until a Contract has been successfully negotiated; providing an effective date.**

**WHEREAS**, the Governing Board of the South Florida Water Management District deems it necessary, appropriate and in the public interest to authorize the official ranking of short-listed firms and entering into a Contract (#4600003357) with Emerson Process Management Power & Water Solutions, Inc., subject to successful negotiations, for the purchase, implementation, and maintenance of Supervisory Control and Data Acquisition (SCADA) Software, in an amount not to exceed \$5 million, for which \$1.5 million in funds are budgeted in FY16 and the remainder subject to Governing Board approval of the FY17 - FY25 budgets; providing that, if negotiations are unsuccessful with Emerson Process Management Power & Water Solutions, Inc., the District will proceed with negotiations in ranked order until a Contract has been successfully negotiated.

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:**

**Section 1.** The Governing Board of the South Florida Water Management District hereby authorizes entering into negotiations for the purchase, implementation, and maintenance of the SCADA System Software.

**Section 2.** This resolution shall take effect immediately upon adoption

**PASSED and ADOPTED** this 10th day of December, 2015.

SOUTH FLORIDA WATER MANAGEMENT  
DISTRICT, BY ITS GOVERNING BOARD  
By:

\_\_\_\_\_  
Chairman

Attest:

\_\_\_\_\_  
District Clerk/Secretary

Legal form approved:  
By:

\_\_\_\_\_  
Office of Counsel

Print name:

**M E M O R A N D U M**

**TO:** Governing Board Members

**FROM:** Jeff Kivett, Division Director

**DATE:** December 10, 2015

**SUBJECT:** Impact of Sea Level Rise

Past and future sea level rise has the potential to impact regional-scale water management affecting all aspects of District's mission. This presentation will provide a brief review of the topic of sea level rise, historical data, current projections and potential implications of sea level rise on water supply, flood protection, and environmental restoration projects in coastal areas. District initiatives to address impacts of sea level rise and the ongoing efforts to collaborate and cooperate with local, state, and federal governments will also be discussed.

## M E M O R A N D U M

**TO:** Governing Board Members

**FROM:** Jeff Kivett, Division Director

**DATE:** December 10, 2015

**SUBJECT:** C-139 Annex Restoration, Phase 1A Site Preparation

### Summary

The overall goal of the C-139 Annex Restoration Project is to meet the restoration needs for the property while addressing regional restoration/water management goals of the Everglades watershed, and providing mitigation to offset wetland impacts associated with Lake Belt mining activities in Miami-Dade County. The restoration of the C-139 Annex property will be achieved in several phases. The Phase 1A Site Preparation activities is the first phase of the C-139 Annex Restoration. The C-139 Annex restoration project is located in Hendry County and encompasses the southern 14,437 acres of the site. The Phase 1A portion of the project is approximately 2,875 acres, located at the southeastern end of the property. The project will consist of the following: leveling and cross disking of the planting/tree beds, swales and ditches; construction of test area to evaluate leveling methods; removal and replacement of an existing 60" corrugated metal pipe (CMP) culvert and riser; removal and disposal of approximately 246 of the 18-inch diameter corrugated aluminum pipe (CAP) culverts and 247 of the 8-inch diameter Advanced Drainage System (ADS) culverts; and abandonment of 15 irrigation wells, as well as the demolition and removal of associated concrete pads, including the removal of associated piping.

### Staff Recommendation

Staff recommends approval of the implementation of the C-139 Annex Restoration Phase 1A Site Preparation Project. The project will aid the C-139 Annex overall restoration and mitigation needs to offset wetland impacts associated with Lake Belt mining activities in Miami-Dade County while addressing the regional restoration/water management goals of the Everglades watershed.

### Core Mission and Strategic Priorities

The C-139 Annex Restoration Phase 1A Site Preparation Project supports the District's core mission of ecosystem restoration.

### Funding Source

The lowest responsive and responsible bidder is: JMS Construction Services, with a total amount of \$1,463,000, for which dedicated funds (Lake Belt Mitigation) are budgeted in FY16.

### Staff Contact and/or Presenter

John P. Mitnik, P.E., Bureau Chief, Engineering and Construction Bureau  
561-682-2679 / jmitnik@sfwmd.gov

# SOUTH FLORIDA WATER MANAGEMENT DISTRICT

## Resolution No. 2015 - 1215

**A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 340-day contract with JMS Construction Services, the lowest responsive and responsible bidder for the C-139 Annex Restoration Phase 1A Site Preparation Project, in the amount of \$1,463,000, for which \$1,463,000 in dedicated funds (Lake Belt Mitigation) are budgeted in FY16. (Contract number 4600003351)**

**WHEREAS**, the Governing Board of the South Florida Water Management District deems it necessary, appropriate and in the public interest to authorize entering into a 340-day contract with JMS Construction Services, the lowest responsive and responsible bidder for the construction of the C-139 Annex Restoration Phase 1A Site Preparation Project, in the amount of \$1,463,000.

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:**

**Section 1.** The Governing Board of the South Florida Water Management District hereby approves the 340-day contract with JMS Construction Services, for the construction of the C-139 Annex Restoration Phase 1A Site Preparation Project, in the amount of \$1,463,000.

**Section 2.** This resolution shall take effect immediately upon adoption.

**PASSED and ADOPTED** this 10<sup>th</sup> day of December, 2015.

SOUTH FLORIDA WATER MANAGEMENT  
DISTRICT, BY ITS GOVERNING BOARD  
By:

\_\_\_\_\_  
Chairman

Attest:

Legal form approved:  
By:

\_\_\_\_\_  
District Clerk/Secretary

\_\_\_\_\_  
Office of Counsel

Print name:  
\_\_\_\_\_

**M E M O R A N D U M**

**TO:** Governing Board Members

**FROM:** Lennart J. Lindahl, Assistant Executive Director

**DATE:** December 10, 2015

**SUBJECT:** Indian River Lagoon as a Bioreactor: New Perspectives on Sewage Pollution



# **M E M O R A N D U M**

**TO:** Governing Board Members

**FROM:** Doug Bergstrom, Director, Administrative Services Division

**DATE:** December 10, 2015

**SUBJECT:** Monthly Financial Statement – October 2015

The attached financial status report is provided for your review. This report provides an overview of District financial activity and includes revenue collections by source and expenditures by program. Also attached is a summary in the State Program format in compliance with Chapter 373.536(4)(e) F.S., requiring each District to provide a monthly financial statement in the form and manner prescribed by the Department of Financial Services to the District's Governing Board and make such monthly financial statement available for public access on its website. This unaudited financial statement is provided as of October 31, 2015, with the fiscal year 8.3% complete.

**Schedule of Sources and Uses** – This financial statement compares revenues received and encumbrances/expenditures made against the District's FY15-16 \$885.4 million current budget. Encumbrances represent orders for goods and services which have not yet been received. Budget amounts include \$136 million in encumbrance carryforward from FY14-15.

- With the fiscal year 8.3% complete, 1% of the District's budgeted operating revenue (excludes fund balance) has been collected. The primary source of operating revenue received to date is mitigation fees and ad valorem taxes. The remaining revenue source is fund balance which is prior year reserve balances budgeted in the current year. Including reserve fund balances, total FY15-16 sources collected were 41.5% of budget or \$367.4 million.
- 0.3% of budgeted Ad Valorem tax revenue and no Agricultural Privilege tax revenue have been collected to date. Ad Valorem and Agricultural Privilege tax collections peak November through January driven by the mailing of property tax bills in October and the 4.0% maximum discount available when paid in full by November 30. These taxes are budgeted at a discounted rate of 95.0% to allow for the discounts property owners receive through early payment. Historical ad valorem trends for the past five years through October average a collection rate of 0.1%.
- There is \$5.4 million in budgeted intergovernmental revenue in ad valorem funds, which includes \$3 million in USACE reimbursements and \$1 million in Alligator Alley toll revenue. There are no revenues recognized for October as of the date of this statement.
- There is \$184.3 million in budgeted intergovernmental revenue in restricted funds, including \$110.7 million in Land Acquisition Trust Funds, \$41.4 million in Save Our Everglades Trust Fund, \$8.7 million in reimbursements from the Florida Fish and Wildlife Conservation Commission (FWC) for aquatic/invasive plant control, \$6.1 million in Alligator Alley tolls, and \$6.9 million in Land Acquisition Trust Funds reimbursements for retirement of debt service expenses related to land acquisition bonds. This category also includes anticipated Federal revenues of \$2.8 million for Allapattah restoration and \$886K for BOMA water quality testing grant and reimbursement of monitoring costs from the National Park Service. FY15-16 actual revenue as of October amounts to \$10,580. Reimbursement requests are submitted based on actual expenses incurred.

Attachment: Monthly Financial Statement Memo October FY2016 (2738 : Monthly Financial Statement - October 2015)

- Budgeted Ad Valorem Investment Earnings is \$3.6 million for FY15-16. Revenue received has not been allocated as of the date of this statement.
- Lease revenue is collected from 76 active leases encompassing 107,000 acres of real property owned by the District. The timing of revenue received is based on the fee schedules within the agreements – monthly, semi-annual, or annual payments – and these varying timing issues impact the collection rate. The District has received \$386,253 which represents 14.4% of the \$2.7 million budgeted lease revenue. The use of lease revenue collected for lands purchased with State or Federal funds is restricted based on the guidelines in the acquisition or grant agreement.
- There is \$12.7 million in budgeted permit fee and mitigation revenue, including water use permits (\$749K), Environmental Resource Permit (ERP) application fees (\$2 million), and Lake Belt Mitigation Fees for land acquisition and C-139 Annex Restoration (\$9.8 million). \$1.5 million has been received, including includes \$1.4 million from Lake Belt mitigation fees.
- Other budgeted revenue includes \$210K in civil penalties and enforcement fees and \$251K in miscellaneous revenues such as cash discounts, refund of prior year expenditures, and sale of recycled oil and scrap metal. Fiscal year collections to date of \$15,000 is 3.3% of the budget.
- Sale of District Property represents the sale of real property and land. This conservative budget of \$250K is due to uncertainty associated with how much equipment will be surplus in a given year. FY15-16 revenues received total \$21,293, representing 8.5% of the budget.
- Self-insurance premiums represent contributions from the District, active, and former employees to the self-funded health insurance program. Also included is the District's contribution to the workers compensation, auto, and general liability self-insurance program. Contributions of \$2.3 million received through October was 6.3% of the \$35.9 million budget.

#### **Expenditure and Encumbrance Status:**

As of October 31, 2015, with 8.3% of the year complete, the District has expended **\$59.5 million or 7.2%** and has encumbered **\$148.7 million or 18%** of its non-reserve budget. The District has obligated (encumbrances plus expenditures) **\$208.1 million or 25.3%** of its non-reserve budget.

**Summary of Expenditures and Encumbrances by Program** – This financial statement illustrates the effort to date for each of the District's program areas. Provided below is a discussion of the primary uses of funds by program.

- The **Comprehensive Everglades Restoration Plan Program** has obligated 28.9% and expended 4.7% of their \$196.4 million budget. Principal expenditures include personnel services (\$482K), contractual services (\$695K), and capital outlay (\$8.0 million). Capital outlay, operating, and contractual services encumbrances (\$47.6 million) include the following projects: C-43 Basin Storage Reservoir, C-44 Reservoir/STA Project, L-8 Flow Equalization Basin (FEB), MECCA FEB, Southern CREW, Biscayne Bay Coastal Wetlands, C-111 Spreader Canal, Loxahatchee Impoundment Landscape Assessment, Picayune Strand, Ten Mile Creek Pump Station Refurbishment and Repair, CERP Monitoring and Assessment, CERP Water Quality Studies, and ENP S-356 Field Test.

- The **Coastal Watersheds Program** has obligated 15.7% and expended 2.1% of their total \$25.0 million budget. Principal expenditures include personnel services (\$299K) and contractual services (\$220K). Contractual services encumbrances primarily consist of regional projects (\$2.2 million) including: St. Lucie River/Indian River Lagoon Initiatives, and Big Cypress Basin Stormwater Projects; remaining contractual encumbrances (\$1.2 million) include: water quality monitoring for Indian River Lagoon, St. Lucie River, and Caloosahatchee River; St. Lucie and Caloosahatchee River Watersheds nutrient study; modeling to assess best management practices efficiencies for reducing nutrient loading in the St. Lucie Estuary watershed; water quality monitoring, modeling, and hydrologic studies for the Florida Bay and Coastal Wetlands Project; Nitrogen Mesocosm study at BOMA C-43 WQ Testing Facility site; and BCB real-time monitoring and modeling system upgrade.
- The **District Everglades Program** has obligated 13.8% and expended 2.6% of their total \$119.9 million budget. Principal expenditures include personnel services (\$1.5 million), contractual services (\$600K), and capital outlay (\$725K). Encumbrances for contractual services and capital outlay (\$13.0 million) primarily include the operations monitoring, maintenance, and repair of Stormwater Treatment Areas (STA), work on the Restoration Strategies Program including STA 1W Expansion, S-5AS Divide, A1 Flow Equalization Basin, G-716 Structure Expansion, G-341 Conveyance Improvement, MECCA project, L-8 Divide and STA Structure Inspection Program.
- The **Kissimmee Watershed Program** has obligated 26.8% and expended 0.3% of their total \$47.1 million budget. The principal expenditure is for personnel services (\$123K). Contractual services and operating encumbrances (\$583K) include Kissimmee River Restoration Evaluation, land acquisition related costs, environmental risk assessments, and engineering services. Capital outlay encumbrances (\$11.9 million) include land acquisition encumbrances for outstanding land purchases, and the construction of water control structures for the Rolling Meadows project.
- The **Lake Okeechobee Program** has obligated 25.2% and expended 1.8% of their total \$39.5 million budget. Principal expenditures include personnel services (\$330K), and contractual services (\$362K). Contractual services and operating encumbrances (\$9.1 million) consist of Dispersed Water Management (DWM) and Florida Ranchland Environmental Services Projects (\$5.9 million), and Istokpoga Marsh water storage project (\$1.6 million). Capital outlay encumbrances include Interim storage design and land clearing, and Lakeside Ranch STA Phase II project.
- The **Land Stewardship Program** has obligated 32.6% and expended 1.5% of their total \$59.4 million budget. Principal expenditures include personnel services (\$415K), contractual services (\$223K), operating (\$154K), and capital outlay (\$85K). Contractual services and operating encumbrances (\$18.2 million) include the management of District owned lands, work on the C-139 Annex Mitigation project, law enforcement services, and the L-31N 3 mile seepage barrier extension.
- The **Mission Support Program** has obligated 16.5% and expended 5.6% of their total \$46.6 million budget. Principal expenditures include personnel services (\$1.7 million), contractual services (\$511K), and operating (\$286K). Contractual services encumbrances (\$2.4 million) include legal and IT services, hardware/software maintenance, and facilities maintenance and repair services. Operating encumbrances (\$2.3 million) include utilities and leased space for the Okeechobee and Orlando Service Centers, flight operations, and facilities warehouse space. Capital outlay encumbrances (\$373K) include computer hardware, and helicopter maintenance.
- The **Modeling and Science Support Program** has obligated 18.9% and expended 7.5% of their total \$14.1 million budget. Principal expenditures include personnel services (\$759K), contractual

services (\$235K), and operating (\$57K). Contractual services and operating encumbrances (\$1.6 million) include water quality monitoring, sampling and analytical services, modeling and technical support services, and monitoring field equipment maintenance.

- The **Operations and Maintenance Program** has obligated 24.4% and expended 4.5% of their total \$178.1 million budget. Principal expenditures include personnel services (\$4.2 million), contractual services (\$949K), operating (\$1.6 million), and capital outlay (\$1.2 million). Encumbrances for contractual services and capital outlay (\$33.3 million) primarily relate to the O&M capital refurbishment program for canals and water control structures. Operating encumbrances (\$2.1 million) are primarily associated with daily field station operation and maintenance activities.
- The **Regulation Program** has obligated 11.1% and expended 7.1% of their total \$24.0 million budget. Principal expenditures include personnel services (\$1.3 million), contractual services (\$213K), and operating (\$188K). Contractual services and operating encumbrances (\$921K) include application development, permit scanning contractors/support, and advertising services.
- The **Water Supply Program** has obligated 5.7% and expended 2.8% of their total \$31.5 million budget. Principal expenditures include personnel services (\$412K), contractual services (\$82K), and operating (\$395K). Contractual services and operating encumbrances (\$919K) include the MFL Water Reservation Rules, Central Florida Water Initiative, water conservation grants, alternative water supply, and hydrologic data gathering and analysis.
- **Debt Service** expenses in the amount of \$30.7 million was paid from the \$42 million budget. Debt service principal and interest payments include state-funded Land Acquisition Bonds and Certificates of Participation. Scheduled debt service payments are structured into a single October principal payment and partial interest payments in October and April. The October 2015 payment included the final payment of principle and interests for the Land Acquisition Bonds.
- **Reserves** of \$61.7 million include \$60.0 million designated as economic stabilization reserves, including \$10.0 million for O&M capital projects.

We hope these reports and the associated narrative will aid in understanding the District's financial condition as well as expenditure performance against the approved budget. If you have any questions, please feel free to contact Candida Heater at (561) 682-6486.

DB/CJH  
 Attachment

**South Florida Water Management District**  
**Statement of Sources and Uses of Funds (Unaudited)**  
For the month ended: October 31, 2015. Percent of fiscal year completed: 8.3%

SOURCES	CURRENT BUDGET	ACTUALS THROUGH 10/31/2015	VARIANCE (UNDER) / OVER BUDGET	ACTUALS AS A % OF BUDGET
Ad Valorem Property Taxes	\$ 266,942,829	\$ 894,717	\$ (266,048,112)	0.3%
Agricultural Privilege Taxes	10,950,000	-	(10,950,000)	0.0%
Intergovernmental - Ad Valorem Funds	5,421,629	-	(5,421,629)	0.0%
Intergovernmental - Non Ad Valorem Funds	184,261,652	10,580	(184,251,072)	0.0%
<b>Intergovernmental Total</b>	<b>189,683,281</b>	<b>10,580</b>	<b>(189,672,701)</b>	<b>0.0%</b>
Investment Earnings - Ad Valorem Funds	3,650,000	-	(3,650,000)	0.0%
Investment Earnings - Non Ad Valorem Funds	-	-	-	-
<b>Investment Earnings Total</b>	<b>3,650,000</b>	<b>-</b>	<b>(3,650,000)</b>	<b>0.0%</b>
Leases	2,680,409	386,253	(2,294,156)	14.4%
Permit Fees/Miscellaneous Fees	2,810,999	94,125	(2,716,874)	3.3%
Mitigation Fees - Lake Belt & Wetlands	9,846,603	1,426,767	(8,419,837)	14.5%
<b>Licenses, Permits and Fees Total</b>	<b>12,657,602</b>	<b>1,520,892</b>	<b>(11,136,711)</b>	<b>12.0%</b>
Other	461,200	15,119	(446,081)	3.3%
Sale of District Property	250,000	21,293	(228,707)	8.5%
Self Insurance Premiums	35,868,576	2,269,227	(33,599,349)	6.3%
<b>SUB-TOTAL OPERATING REVENUES</b>	<b>523,143,897</b>	<b>5,118,080</b>	<b>(518,025,817)</b>	<b>1.0%</b>
Reserve Fund Balances	362,283,172	362,283,172	-	100.0%
<b>TOTAL SOURCES</b>	<b>\$ 885,427,069</b>	<b>\$ 367,401,252</b>	<b>\$ (518,025,817)</b>	<b>41.5%</b>

USES	CURRENT BUDGET	EXPENDITURES	ENCUMBRANCES <sup>1</sup>	REPORTED AVAILABLE BUDGET	% EXPENDED	% ENCUMBERED	% OBLIGATED <sup>2</sup>
CERP	\$ 196,417,721	\$ 9,167,368	\$ 47,620,352	\$ 139,630,001	4.7%	24.2%	28.9%
Coastal Watersheds	25,044,335	521,727	3,422,120	21,100,489	2.1%	13.7%	15.7%
District Everglades	119,895,873	3,160,885	13,412,605	103,322,383	2.6%	11.2%	13.8%
Kissimmee Watershed	47,145,382	125,360	12,524,303	34,495,719	0.3%	26.6%	26.8%
Lake Okeechobee	39,534,176	692,382	9,273,189	29,568,605	1.8%	23.5%	25.2%
Land Stewardship	59,365,641	877,584	18,457,994	40,030,064	1.5%	31.1%	32.6%
Mission Support	46,550,585	2,616,051	5,064,803	38,869,731	5.6%	10.9%	16.5%
Modeling & Sci Supp	14,111,964	1,058,420	1,605,691	11,447,852	7.5%	11.4%	18.9%
Ops & Maintenance	178,067,529	7,990,450	35,380,984	134,696,096	4.5%	19.9%	24.4%
Regulation	24,041,372	1,705,444	971,376	21,364,551	7.1%	4.0%	11.1%
Water Supply	31,505,842	889,163	918,923	29,697,755	2.8%	2.9%	5.7%
Debt Service	42,030,910	30,676,809	-	11,354,101	73.0%	0.0%	73.0%
<b>SUB-TOTAL NON-RESERVES USES</b>	<b>823,711,331</b>	<b>59,481,645</b>	<b>148,652,340</b>	<b>615,577,346</b>	<b>7.2%</b>	<b>18.0%</b>	<b>25.3%</b>
Reserves	\$ 61,715,738	-	-	61,715,738	0.0%	0.0%	0.0%
<b>TOTAL USES</b>	<b>\$ 885,427,069</b>	<b>\$ 59,481,645</b>	<b>\$ 148,652,340</b>	<b>\$ 677,293,084</b>	<b>6.7%</b>	<b>16.8%</b>	<b>23.5%</b>

<sup>1</sup> Represents unexpended balances of open purchase orders

<sup>2</sup> Represents the sum of expenditures and encumbrances as a percentage of the annual budget

**South Florida Water Management District**  
**Statement of Sources and Uses of Funds (Unaudited)**  
For the month ended: October 31, 2015. Percent of fiscal year completed: 8.3%

	CURRENT BUDGET	ACTUALS THROUGH 10/31/2015	VARIANCE (UNDER) / OVER BUDGET	ACTUALS AS A % OF BUDGET
<b>Sources</b>				
Taxes <sup>1</sup>	\$ 277,892,829	\$ 894,717	\$ (276,998,112)	0.32%
Intergovernmental Revenues	189,683,281	10,580	(189,672,701)	0.01%
Interest on Invested Funds	3,650,000	-	(3,650,000)	0.0%
License and Permit Fees	12,657,602	1,520,892	(11,136,711)	12.0%
Other <sup>2</sup>	39,260,185	2,691,891	(36,568,294)	6.9%
Reserve Fund Balances	362,283,172	362,283,172	-	100.0%
<b>Total Sources</b>	<b>\$ 885,427,069</b>	<b>\$ 367,401,252</b>	<b>\$ (518,025,817)</b>	<b>41.5%</b>

<sup>1</sup> Includes Ad Valorem and Agricultural Privilege Taxes

<sup>2</sup> Includes Leases, Sale of District Property, and Self Insurance Premiums

	CURRENT BUDGET	EXPENDITURES	ENCUMBRANCES <sup>3</sup>	AVAILABLE BUDGET	% EXPENDED	% OBLIGATED <sup>4</sup>
<b>Uses</b>						
Water Resources Planning and Monitoring	\$ 56,171,937	\$ 3,005,391	\$ 6,298,476	\$ 46,868,070	5.4%	16.6%
Acquisition, Restoration and Public Works	425,769,797	35,049,292	79,767,434	310,953,071	8.2%	27.0%
Operation and Maintenance of Lands and Works	335,621,791	17,265,963	58,735,859	259,619,969	5.1%	22.6%
Regulation	27,547,932	1,911,618	1,122,476	24,513,838	6.9%	11.0%
Outreach	2,511,016	183,147	31,917	2,295,953	7.3%	8.6%
Management and Administration	37,804,594	2,066,234	2,696,178	33,042,183	5.5%	12.6%
<b>Total Uses</b>	<b>\$ 885,427,069</b>	<b>\$ 59,481,645</b>	<b>\$ 148,652,340</b>	<b>\$ 677,293,084</b>	<b>6.7%</b>	<b>23.5%</b>

<sup>3</sup> Encumbrances represent unexpended balances of open purchase orders and contracts.

<sup>4</sup> Represents the sum of expenditures and encumbrances as a percentage of the current budget.

This unaudited financial statement is prepared as of October 31, 2015, and covers the interim period since the most recent audited financial statements.



**South Florida Water Management District**  
**Statement of Sources and Uses of Funds (Unaudited)**  
For the month ended: October 31, 2015. Percent of fiscal year completed: 8.3%

				Reported			
	Current Budget	Expenditures	Encumbrances	Available Budget	% Expended	% Encumbered	% Obligated
<b>CERP</b>							
Personnel Services	\$ 6,327,077	\$ 481,716	\$ -	\$ 5,845,361	7.6%	0.0%	7.6%
Contractual Services	16,329,486	694,865	6,724,600	8,910,021	4.3%	41.2%	45.4%
Operating	1,388,397	23,027	1,036,289	329,082	1.7%	74.6%	76.3%
Travel	15,103	615	251	14,237	4.1%	1.7%	5.7%
Capital Outlay	169,024,689	7,967,145	39,859,212	121,198,332	4.7%	23.6%	28.3%
CERP Indirect	3,332,968	-	-	3,332,968	0.0%	0.0%	0.0%
<b>Total CERP</b>	<b>196,417,721</b>	<b>9,167,368</b>	<b>47,620,352</b>	<b>139,630,001</b>	<b>4.7%</b>	<b>24.2%</b>	<b>28.9%</b>
<b>Coastal Watersheds</b>							
Personnel Services	3,662,604	298,662	-	3,363,942	8.2%	0.0%	8.2%
Contractual Services	8,189,110	219,566	3,155,655	4,813,889	2.7%	38.5%	41.2%
Operating	191,663	3,024	5,140	183,498	1.6%	2.7%	4.3%
Travel	21,312	475	-	20,837	2.2%	0.0%	2.2%
Capital Outlay	12,979,646	-	261,324	12,718,322	0.0%	2.0%	2.0%
<b>Total Coastal Watersheds</b>	<b>25,044,335</b>	<b>521,727</b>	<b>3,422,120</b>	<b>21,100,489</b>	<b>2.1%</b>	<b>13.7%</b>	<b>15.7%</b>
<b>District Everglades</b>							
Personnel Services	20,114,730	1,458,998	-	18,655,732	7.3%	0.0%	7.3%
Contractual Services	20,722,880	568,123	6,463,076	13,691,681	2.7%	31.2%	33.9%
Operating	10,595,987	408,482	415,519	9,771,987	3.9%	3.9%	7.8%
Travel	17,612	232	568	16,812	1.3%	3.2%	4.5%
Capital Outlay	68,444,663	725,050	6,533,442	61,186,171	1.1%	9.5%	10.6%
<b>Total District Everglades</b>	<b>119,895,873</b>	<b>3,160,885</b>	<b>13,412,605</b>	<b>103,322,383</b>	<b>2.6%</b>	<b>11.2%</b>	<b>13.8%</b>
<b>Kissimmee Watershed</b>							
Personnel Services	2,071,028	123,389	-	1,947,639	6.0%	0.0%	6.0%
Contractual Services	3,776,107	-	572,792	3,203,315	0.0%	15.2%	15.2%
Operating	137,245	1,175	10,235	125,835	0.9%	7.5%	8.3%
Travel	13,005	796	1,279	10,930	6.1%	9.8%	16.0%
Capital Outlay	41,147,997	-	11,939,997	29,208,000	0.0%	29.0%	29.0%
<b>Total Kissimmee Watershed</b>	<b>\$ 47,145,382</b>	<b>\$ 125,360</b>	<b>\$ 12,524,303</b>	<b>\$ 34,495,719</b>	<b>0.3%</b>	<b>26.6%</b>	<b>26.8%</b>

**South Florida Water Management District**  
**Statement of Sources and Uses of Funds (Unaudited)**  
For the month ended: October 31, 2015. Percent of fiscal year completed: 8.3%

	Current Budget	Expenditures	Encumbrances	Reported Available Budget	% Expended	% Encumbered	% Obligated
<b>Lake Okeechobee</b>							
Personnel Services	\$ 4,958,907	\$ 329,667	\$ -	\$ 4,629,240	6.6%	0.0%	6.6%
Contractual Services	21,689,986	361,713	9,026,764	12,301,509	1.7%	41.6%	43.3%
Operating	224,454	1,002	99,153	124,298	0.4%	44.2%	44.6%
Travel	9,093	-	-	9,093	0.0%	0.0%	0.0%
Capital Outlay	12,651,737	-	147,272	12,504,465	0.0%	1.2%	1.2%
<b>Total Lake Okeechobee</b>	<b>39,534,176</b>	<b>692,382</b>	<b>9,273,189</b>	<b>29,568,605</b>	<b>1.8%</b>	<b>23.5%</b>	<b>25.2%</b>
<b>Land Stewardship</b>							
Personnel Services	5,196,969	415,109	-	4,781,860	8.0%	0.0%	8.0%
Contractual Services	41,861,769	223,308	18,078,398	23,560,063	0.5%	43.2%	43.7%
Operating	1,985,178	154,105	131,722	1,699,351	7.8%	6.6%	14.4%
Travel	5,150	-	190	4,960	0.0%	3.7%	3.7%
Capital Outlay	10,316,575	85,062	247,683	9,983,829	0.8%	2.4%	3.2%
<b>Total Land Stewardship</b>	<b>59,365,641</b>	<b>877,584</b>	<b>18,457,994</b>	<b>40,030,064</b>	<b>1.5%</b>	<b>31.1%</b>	<b>32.6%</b>
<b>Mission Support</b>							
Personnel Services	21,656,885	1,659,912	-	19,996,973	7.7%	0.0%	7.7%
Contractual Services	8,450,192	510,571	2,429,761	5,509,861	6.0%	28.8%	34.8%
Operating	18,246,614	286,424	2,252,280	15,707,910	1.6%	12.3%	13.9%
Travel	293,606	19,321	9,807	264,478	6.6%	3.3%	9.9%
Capital Outlay	1,236,256	139,824	372,956	723,476	11.3%	30.2%	41.5%
CERP Indirect	(3,332,968)	-	-	(3,332,968)	0.0%	0.0%	0.0%
<b>Total Mission Support</b>	<b>46,550,585</b>	<b>2,616,051</b>	<b>5,064,803</b>	<b>38,869,731</b>	<b>5.6%</b>	<b>10.9%</b>	<b>16.5%</b>
<b>Modeling &amp; Science Support</b>							
Personnel Services	10,460,608	758,934	-	9,701,674	7.3%	0.0%	7.3%
Contractual Services	2,908,582	235,087	1,391,770	1,281,725	8.1%	47.9%	55.9%
Operating	566,491	57,329	197,085	312,078	10.1%	34.8%	44.9%
Travel	57,483	7,070	1,237	49,176	12.3%	2.2%	14.5%
Capital Outlay	118,800	-	15,600	103,200	0.0%	13.1%	13.1%
<b>Total Modeling &amp; Science Support</b>	<b>\$ 14,111,964</b>	<b>\$ 1,058,420</b>	<b>\$ 1,605,691</b>	<b>\$ 11,447,852</b>	<b>7.5%</b>	<b>11.4%</b>	<b>18.9%</b>

**South Florida Water Management District**  
**Statement of Sources and Uses of Funds (Unaudited)**  
For the month ended: October 31, 2015. Percent of fiscal year completed: 8.3%

	Current Budget	Expenditures	Encumbrances	Reported Available Budget	% Expended	% Encumbered	% Obligated
<b>Operations &amp; Maintenance</b>							
Personnel Services	\$ 55,376,913	\$ 4,211,519	\$ -	\$ 51,165,394	7.6%	0.0%	7.6%
Contractual Services	37,730,392	948,594	15,734,443	21,047,355	2.5%	41.7%	44.2%
Operating	36,362,386	1,610,370	2,082,475	32,669,541	4.4%	5.7%	10.2%
Travel	197,212	41,838	1,232	154,142	21.2%	0.6%	21.8%
Capital Outlay	48,400,627	1,178,130	17,562,833	29,659,663	2.4%	36.3%	38.7%
<b>Total Operations &amp; Maintenance</b>	<b>178,067,529</b>	<b>7,990,450</b>	<b>35,380,984</b>	<b>134,696,096</b>	<b>4.5%</b>	<b>19.9%</b>	<b>24.4%</b>
<b>Regulation</b>							
Personnel Services	17,719,285	1,303,360	-	16,415,925	7.4%	0.0%	7.4%
Contractual Services	1,642,542	213,140	689,344	740,058	13.0%	42.0%	54.9%
Operating	4,607,115	188,167	231,944	4,187,004	4.1%	5.0%	9.1%
Travel	22,430	777	88	21,565	3.5%	0.4%	3.9%
Capital Outlay	50,000	-	50,000	-	0.0%	100.0%	100.0%
<b>Total Regulation</b>	<b>24,041,372</b>	<b>1,705,444</b>	<b>971,376</b>	<b>21,364,551</b>	<b>7.1%</b>	<b>4.0%</b>	<b>11.1%</b>
<b>Water Supply</b>							
Personnel Services	5,247,276	411,576	-	4,835,700	7.8%	0.0%	7.8%
Contractual Services	14,909,940	82,360	864,213	13,963,367	0.6%	5.8%	6.3%
Operating	11,341,464	395,015	54,564	10,891,884	3.5%	0.5%	4.0%
Travel	7,163	213	146	6,804	3.0%	2.0%	5.0%
<b>Total Water Supply</b>	<b>31,505,842</b>	<b>889,163</b>	<b>918,923</b>	<b>29,697,755</b>	<b>2.8%</b>	<b>2.9%</b>	<b>5.7%</b>
<b>Reserves</b>							
Reserves	61,715,738	-	-	61,715,738	0.0%	0.0%	0.0%
<b>Total Reserves</b>	<b>61,715,738</b>	<b>-</b>	<b>-</b>	<b>61,715,738</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Debt Service</b>							
Debt Service	42,030,910	30,676,809	-	11,354,101	73.0%	0.0%	73.0%
<b>Total Debt Service</b>	<b>42,030,910</b>	<b>30,676,809</b>	<b>-</b>	<b>11,354,101</b>	<b>73.0%</b>	<b>0.0%</b>	<b>73.0%</b>
<b>Grand Total</b>	<b>\$ 885,427,069</b>	<b>\$ 59,481,645</b>	<b>\$ 148,652,340</b>	<b>\$ 677,293,084</b>	<b>6.7%</b>	<b>16.8%</b>	<b>23.5%</b>

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INDIVIDUAL PERMITS ISSUED BY  
AUTHORITY DELEGATED TO EXECUTIVE DIRECTOR  
FROM November 1, 2015 TO November 30, 2015

<b>I PERMIT APPLICATIONS</b>	<b>PAGE</b>
HIGHLANDS COUNTY	1
MIAMI-DADE COUNTY	2
OKEECHOBEE COUNTY	3
ORANGE COUNTY	4
OSCEOLA COUNTY	5
PALM BEACH COUNTY	6

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1.	LA HAMACA - PHASE I - NE-PES	APPL. NO.	150522-6
	LLANO PARTNERS LTD	PERMIT NO.	28-00597-P-02
	SEC 32,33,6,7,1-11 TWP 38,39,39S RGE 28,29,28E	ACREAGE:	5022.94
		LAND USE:	AGRICULTURAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (CONSTRUCTION/OPERATION MODIFICATION)

RECEIVING BODY: FISHEATING CREEK

LAST DATE FOR AGENCY ACTION: NOVEMBER 22, 2015

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1.	71 ACRE LAKE ROCK WASH FACILITY ATLANTIC CIVIL INC SEC 32, 33 TWP 57S RGE 39E	APPL. NO. 150916-5 PERMIT NO. 13-03796-W ACREAGE: 320.00 LAND USE: INDUSTRIAL
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PERMIT TYPE: WATER USE MODIFICATION  
 WATER SOURCE: ON-SITE BORROW PIT(S)  
 ALLOCATION: 174.24 MILLION GALLONS PER MONTH  
 LAST DATE FOR AGENCY ACTION: DECEMBER 15, 2015

2.	BAYSHORE NEIGHBORHOOD 8 PACKAGE B CITY OF MIAMI BEACH SEC 27,34 TWP 53S RGE 42E	APPL. NO. 150805-11 PERMIT NO. 13-04774-W ACREAGE: 6.30 LAND USE: DEWATERING
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PERMIT TYPE: WATER USE MODIFICATION  
 WATER SOURCE: WATER TABLE AQUIFER  
 ALLOCATION: NOT REQUIRED  
 LAST DATE FOR AGENCY ACTION: DECEMBER 1, 2015

3.	HEFT WIDENING FROM N OF S W 184TH ST TO S OF S W 1 FLORIDA TURNPIKE ENTERPRISE SEC 12,13,24,19,30,31 TWP 55,55S RGE 39,40E	APPL. NO. 150521-19 PERMIT NO. 13-04001-P ACREAGE: 396.46 LAND USE: ROADWAY
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PERMIT TYPE: ENVIRONMENTAL RESOURCE (CONSTRUCTION/OPERATION MODIFICATION)  
 RECEIVING BODY: EXISTING CANALS  
 LAST DATE FOR AGENCY ACTION: DECEMBER 8, 2015

4. 71 Acre Lake Rock Wash Facility (App#150916-5) was issued on 11/2/16; then the allocation was increased so it was revised and issued on 11/16/15.

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1. FINN RANCH	APPL. NO.	131220-18
FQS LLC	PERMIT NO.	47-01199-W
SEC 28,29,32,33 TWP 37S RGE 36E	ACREAGE:	579.00
	LAND USE:	AGRICULTURAL

PERMIT TYPE: WATER USE PROPOSED

WATER SOURCE: FLORIDAN AQUIFER SYSTEM,ON-SITE CANAL(S)

ALLOCATION: 61.1 MILLION GALLONS PER MONTH

LAST DATE FOR AGENCY ACTION: DECEMBER 16, 2015

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Attachment: IP Issued by ED November 2015 (2749 : Executive Director's Report - Peter Antonacci)



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1.	EAGLE CREEK SOUTHEAST PLAN AREA - PHASES I J AND K	APPL. NO.	151013-12
	EAGLE CREEK DEVELOPMENT CORPORATION	PERMIT NO.	48-02465-W
	SEC 32,33 TWP 24S RGE 31E	ACREAGE:	255.50
		LAND USE:	DEWATERING

PERMIT TYPE: WATER USE PROPOSED  
WATER SOURCE: WATER TABLE AQUIFER

ALLOCATION: NOT REQUIRED

LAST DATE FOR AGENCY ACTION: JANUARY 11, 2016

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1.	4 H RANCH	APPL. NO.	150717-21
	4 H RANCH INC	PERMIT NO.	49-02330-W
	SEC 13,14,23-26,35,36,19-22,27-34,1,2,11-	ACREAGE:	250.00
	14,23-26 TWP 30,30,31S RGE 32,33,32E	LAND USE:	AGRICULTURAL
	PERMIT TYPE: WATER USE MODIFICATION		
	WATER SOURCE: UPPER FLORIDAN AQUIFER, LAKE MARIAN		
	ALLOCATION: 147.45 MILLION GALLONS PER MONTH		
	LAST DATE FOR AGENCY ACTION: DECEMBER 17, 2015		

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2.	ADAMS RANCH	APPL. NO.	150717-23
	ADAMS RANCH INC	PERMIT NO.	49-00776-W
	SEC 13-15, 22-24, 25-27, 34-36,19-22, 27-	ACREAGE:	2691.00
	30, 31-34 TWP 30,30S RGE 32,33E	LAND USE:	AGRICULTURAL
	PERMIT TYPE: WATER USE MODIFICATION		
	WATER SOURCE: UPPER FLORIDAN AQUIFER, LAKE MARIAN		
	ALLOCATION: 868.41 MILLION GALLONS PER MONTH		
	LAST DATE FOR AGENCY ACTION: DECEMBER 17, 2015		

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1.	EAST CENTRAL REGIONAL WASTEWATER RECLAMATION FACIL	APPL. NO.	150810-18
	CITY OF WEST PALM BEACH	PERMIT NO.	50-10856-W
	SEC 11 TWP 43S RGE 42E	ACREAGE:	123.00
		LAND USE:	DEWATERING

PERMIT TYPE: WATER USE PROPOSED  
WATER SOURCE: WATER TABLE AQUIFER  
ALLOCATION: NOT REQUIRED  
LAST DATE FOR AGENCY ACTION: DECEMBER 7, 2015

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Attachment: IP Issued by ED November 2015 (2749 : Executive Director's Report - Peter Antonacci)

## **M E M O R A N D U M**

**TO:** Governing Board Members

**FROM:** Peter Antonacci,

**DATE:** December 10, 2015

**SUBJECT:** .

**SUBJECT:** Proposed Lump Sum Bonus Policy 2015

### **Summary**

The District currently has in place a Salary Administration Procedure which contains a provision for the award of work performance bonuses. Pursuant to this provision in Fiscal Year 2014-15, the District awarded a bonus to all employees who received a performance score of effective or higher on their annual Performance Evaluation. The bonus monies were distributed equally to all eligible employees in an amount equivalent to a per capita percentage of budgeted dollars. In September 2015, the District's Governing Board adopted the District's budget for fiscal year 2015-16, which included funding of 4.7 million dollars for employee bonuses based on merit.

On November 17, 2015, the District sought the advice of outside labor counsel on two issues: 1. Whether the District's current bonus procedure complies with Section 215.425, F.S., and 2. Whether the District could proceed with the distribution of bonus monies in light of the pending petition to unionize some District staff.

Counsel has determined that the District's current bonus procedure does not satisfy the requirements of Section 215.425, F.S., but further opined that its infirmities could be cured by the adoption of a Policy which comports with the prescriptive elements set forth in the statute. Counsel also advised that the District could proceed with the distribution of a bonus as long as the methodology neither favored or disfavored the putative bargaining unit and otherwise conformed with Section 215.425. F.S.

The attached Lump Sum Bonus Policy complies with the requirements of Section 215.425 F.S. and otherwise comports with Florida law. As such, its adoption will enable the Board to award bonuses to its employees. The proposed policy provides that lump sum bonuses will be paid to all employees who are performing satisfactorily during the evaluation period which will run from December 11, 2015 through December 23, 2015. Bonuses will be calculated based on an employee's annual salary with those earning less receiving a larger bonus.

### **Staff Recommendation**

I recommend that the Governing Board adopt the proposed Lump Sum Bonus Policy in the amount of approximately \$2.2 million. It is further recommended that the balance of the \$4.7 million you allocated for employee bonuses for 2015-2016 be reserved at this

time for a merit based bonus based on criteria comporting with §215.425, F.S. A proposed policy that complies with Florida law will be brought to you in January to govern authorization to distribute merit-based bonuses after the April mid-year evaluations.

# **SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

## **Resolution No. 2015 - 1216**

**A Resolution of the Governing Board of the South Florida Water Management District creating a Lump Sum Bonus Policy For 2015; providing for inclusion in the District Policy Code in Section 120-109; providing for severability; providing an effective date.**

**WHEREAS** the Governing Board has determined that it is necessary, appropriate and in the public interest to create a Lump Sum Bonus Policy for 2015 in order to implement the decision to appropriate staff bonuses for FY 2015-2016; and

**WHEREAS** Section 215.425 F.S. requires that a bonus program be in the form of a policy, ordinance, rule or resolution which bases the award of a bonus on work performance, provides for performance standards and an evaluation process, which notifies all employees of the policy before the beginning of the evaluation period and which considers all employees; **now therefore**

**BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:**

- Section 1.** The Governing Board adopts the Policy set forth in Exhibit A which is attached hereto and incorporated herein.
- Section 2.** The Governing Board directs staff to include the Policy set forth in Exhibit A in Section 120-109 of the District Policy Code.
- Section 3.** This resolution shall take effect immediately on adoption.

**PASSED and ADOPTED** this 10<sup>th</sup> day of December, 2015.

SOUTH FLORIDA WATER MANAGEMENT  
DISTRICT, BY ITS GOVERNING BOARD  
By:

\_\_\_\_\_  
Chairman

Attest:

Legal form approved:  
By:

\_\_\_\_\_  
District Clerk/Secretary

\_\_\_\_\_  
Office of Counsel

Print name:  
\_\_\_\_\_

## EXHIBIT A

South Florida Water Management District  
Lump Sum Bonus Policy

A. Consideration

All employees of the South Florida Water Management District (“SFWMD”) will be considered for a Lump Sum Bonus in 2015.

B. Evaluation Period

The evaluation period for this Lump Sum Bonus will run from December 11, 2015, through December 23, 2015.

C. Performance Standard and Evaluation Process

Lump Sum Bonuses will be determined on the basis of the employee’s satisfactory performance with the SFWMD during the evaluation period. All employees in good standing are deemed to be performing satisfactorily and, therefore, eligible for a Lump Sum Bonus. For these purposes, “good standing” means not on a performance improvement plan at the close of the evaluation period.

D. Calculation of Lump Sum Bonus

Lump Sum Bonuses will be calculated based on an employee’s wages at the close of the evaluation period:

<u>Employees Earning:</u>	<u>Will Receive:</u>
Less than \$60,000 annually:	\$2,000.00
\$60,000 to less than \$100,000 annually:	\$1,000.00
\$100,000 or more annually:	\$500.00

For these purposes, an “employee’s wages” means the employee’s hourly rate of pay at the close of the evaluation period multiplied by the number of work hours in the calendar year.



E. Earned and Forfeited Lump Sum bonuses

Lump Sum Bonuses are earned on the date that they are paid; employees who leave employment for any reason before a Lump Sum Bonus is paid forfeit the Lump Sum Bonus.

F. Payment of Lump Sum bonuses

Lump Sum Bonuses awarded will be paid on the pay date immediately following the close of the evaluation period.

G. Amendment

This policy may be amended or retired only by the express approval of the Governing Board.

# **Lump Sum Bonus Distribution Plan**

December 2015

Category	# in Category	Bonus	Bonus Total	FICA/MED	Total Cost
Current count < \$60,000	682	2,000	1,364,000	104,346	1,468,346
Current count \$60,000 < \$100,000	604	1,000	604,000	46,206	650,206
Current count \$100,000 or more	107	500	53,500	4,093	57,593
Total	1,393		2,021,500	154,645	2,176,145